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September 4, 2002

3/16/02 [signature]
U.S. EPA REGION 4
OFFICE OF
REGIONAL ADMINISTRATOR
CERTIFIED MAIL
2002 SEP 13 A 10:54

Mr. J. I. Palmer, Jr., Regional Administrator
USEPA Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8909

Re: *South Carolina Air Quality Implementation Plan* (SIP) Revision (South Carolina Department of Health and Environmental Control; Statutory Authority, Section 48-1-10, *et seq.* of the 1976 S.C. Code of Laws, as amended) - Source Testing Requirements.

Dear Mr. Palmer:

A comparison of the current South Carolina *Regulation 61-62, Air Pollution Control Regulations and Standards*, with that of the U.S. Environmental Protection Agency (EPA) approved regulations incorporated by reference into the *South Carolina Air Quality Implementation Plan* (SIP) has identified differences that should be corrected to ensure accuracy and completeness of the federally enforceable regulations. The discrepancies noted by the South Carolina Department of Health and Environmental Control (Department) can be attributed primarily to the fact that the Department has regulations that contain state specific requirements that are unrelated to any federal requirements. From time to time, amendments to the state specific requirements have been made that have not been updated in the SIP.

The Department wishes to restore the accuracy and completeness of the regulations incorporated by reference into the SIP and is initiating the process with this submittal for EPA approval. The following describes the process which resulted in the revision to Regulation 61-62 which became effective upon publication in the *South Carolina State Register (State Register)* on June 26, 1998.

1. Pursuant to S.C. Code Section 48-1-30 through 48-1-60, the Department has amended *Regulation 61-62, Air Pollution Control Regulations and Standards*, and the SIP to establish, standardize, and clarify source testing requirements. This amendment to the SIP specifies requirements for the submittal of a site-specific test plan which will include the following information: a discussion of the test objectives, accessibility and representativeness of sampling locations, process descriptions, sampling and analytical procedures, internal quality assurance/quality control methods, data reduction and reporting procedures, and safety considerations. Affected source owners or operators and source testers are required to develop the site-specific test plans to be submitted for Department approval prior to conducting source tests.

2. The amendments to *Regulation 61-62, Air Pollution Control Regulations and Standards*, and the SIP were adopted in conformance with the South Carolina Pollution Control Act and the State Administrative Procedures Act. A copy of the agenda item for the December 11, 1997 South Carolina Board of Health and Environmental Control (Board) public hearing, and excerpts from the minutes of the Board meeting are enclosed as Attachments 1 and 2. The Board found for the need and reasonableness of the revisions to the regulations at that meeting and authorized submittal to the State Legislature for review.



3. On June 26, 1998, the *State Register* published the full text of the revisions to Regulation 61-62 as Document No. 2244 and established the effective date upon its publication (Attachment 3). The Department has promulgated an amendment to "*Regulation 61-62.1 - Definitions, Permit Requirements and Emissions Inventory*" with the addition of "Section IV - Source Tests" to standardize current source testing requirements. Additionally, the title of Regulation 61-62.1, has been changed to, "*Definitions and General Requirements*."

4. The current regulatory requirements for source testing in the federally approved SIP are included in various sections of several regulations and standards. To ensure the consistency of requirements for all sources required to conduct source tests, "*Regulation 61-62.5, Standard No. 1 - Emissions From Fuel Burning Operations*," Section VI and Section VII; "*Regulation 61-62.5, Standard No. 4 - Emissions From Process Industries*," Section XII and Section XIII; "*Regulation 61-62.5, Standard No. 5 - Volatile Organic Compounds*," Section I, Part E; "*Regulation 61-62.5, Standard No. 3 - Waste Combustion and Reduction*;" "*Regulation 61-62.5, Standard No. 3.1 - Hospital, Medical, Infectious Waste Incinerators*;" and "*Regulation 61-62.5, Standard No. 5.1 - Lowest Achievable Emission Rate (LAER) Applicable to Volatile Organic Compounds*" have been amended to specify the responsibility of source owners or operators to ensure that scheduled periodic source tests are conducted every two years or as required by permit conditions in accordance with the requirements of "*Regulation 61-62.1 - Definitions and General Requirements; Section IV - Source Tests*."

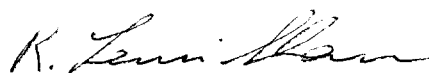
5. A Notice of Drafting (Attachment 4) was published in the *State Register* on April 25, 1997. A Notice of Proposed Regulation, provided as Attachment 5, was published in the *State Register* on October 24, 1997. A staff-conducted informational forum was held on November 24, 1997, for the purpose of answering questions, clarifying issues, and accepting formal comments from interested public on the proposed amendments. The public hearing was held before the Board in accordance with information provided in the Notice of Proposed Regulation. Copies of the verbatim transcripts of the informational forum and the public hearing are furnished as Attachments 6 and 7.

6. An "Erratum" (Attachment 8) was published in the *State Register* on July 24, 1998 to correct a typographical error in Document No. 2244.

7. South Carolina has the necessary legal authority to adopt and implement this revision to the SIP, and to carry out the responsibilities of the *Clean Air Act*. Section 2 of South Carolina's EPA-approved SIP, which defines the State's statutory powers as required in 40 CFR 51.230, is submitted as Attachment 9.

Four additional copies are being forwarded directly to your Air Planning Branch. If you or your staff have any questions or comments concerning these revisions, please contact Heather Preston of the Bureau of Air Quality at 803-898-4287.

Sincerely,



R. Lewis Shaw, P.E.
Deputy Commissioner
Environmental Quality Control

Page Three
SIP Submittal
September 4, 2002

cc: James A. Joy III, P.E., Chief; Bureau of Air Quality
Winston A. Smith, Director; Air, Pesticides, and Toxics Management Division
Kay T. Prince, Chief; Air Planning Branch, USEPA Region IV (w/ attachments)

Attachments:

1. Board Agenda Item - December 11, 1997
2. Minutes of the December 11, 1997, Board Meeting
3. Notice of Final Regulation published in the *South Carolina State Register* on June 26, 1998, Document No. 2244
4. Notice of Drafting published in the *South Carolina State Register* April 25, 1997
5. Notice of Proposed Regulation published in the *South Carolina State Register* October 24, 1997
6. Copy of the verbatim transcript of the November 24, 1997 Informational Forum
7. Copy of the verbatim transcript of the December 11, 1997 Public Hearing
8. "Erratum" published in the *South Carolina State Register* on July 24, 1998 to correct a typographical error in Document No. 2244
9. South Carolina's Legal Authority - Excerpt from the EPA-approved SIP

ATTACHMENT 1

Board Agenda Item
December 11, 1997

ATTACHMENT 1

Board Agenda Item
December 11, 1997

BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

SUMMARY SHEET

December 11, 1997

(X) ACTION
() INFORMATION

I. TITLE: Public Hearing Before the Board and Consideration for Final Approval
Proposed Amendment of 61-62, Air Pollution Control Regulations and
Standards, Source Tests
State Register Document No. 2244
Legislative Review is Required

II. SUBJECT: Request for finding of Need and Reasonableness Pursuant to S.C. Code
Section 1-23-111.

III. FACTS:

1. Currently there are no written regulations which govern site-specific source test plans. Source test requirements have been implemented through EPA and Department-issued guidance and policy.

2. Pursuant to S.C. Code Section 48-1-30 through 48-1-60, the Department proposes to amend Regulation 61-62, Air Pollution Control Regulations and Standards, to establish, standardize and clarify source testing requirements for all affected source owners or operators and source testers. The proposed amendments will also require affected source owners or operators to develop site-specific test plans to be submitted for Department approval prior to conducting source tests. This amendment will specify requirements for a site-specific test plan which will include the following information: a discussion of the test objectives, accessibility and representativeness of sampling locations, process descriptions, sampling and analytical procedures, internal quality assurance/quality control methods, data reduction and reporting procedures, and safety considerations. **The proposed amendment will standardize current source test requirements by adding a new Section IV, Source Tests, to Regulation 61-62.1, Definitions, Permit Requirements, and Emissions Inventory. Additionally, the title of R 62.1 "Definitions, Permit Requirements and Emissions Inventory" will be changed to "Definitions and General Requirements." Currently this title includes the names of all sections contained in the regulation. The title change to "Definitions and General Requirements" will identify more clearly that the regulation contains many general provisions.**

3. A Summary of Revisions and Text of Proposed Amendment are submitted as Attachments B and C.

4. A Notice of Drafting initiating the statutory process for this amendment was published in the State Register on April 25, 1997. The drafting comment period ended May 27, 1997. A copy of the Drafting Notice is submitted as Attachment F. The Department received 33 written comments from seven members of the regulated community during the drafting comment period. All comments received from the drafting comment period were considered in preparing the proposal for public notice. A Summary of Public

Comments and Department Responses is submitted as Attachment D.

5. The proposed amendment to Regulation 61-62 has been reviewed by all appropriate staff.
6. On October 9, 1997, the Board approved public notice for the proposed regulation and a staff conducted informational forum. The proposed Source Tests regulation was published in the *State Register* on October 24, 1997. A copy of the Notice of Proposed Regulation is submitted as Attachment E. The staff informational forum was conducted on November 24, 1997. A transcript of the staff forum was taken by a verbatim court reporter and will be maintained as a part of the official record.
7. Three stakeholders meetings were held with approximately 14 members of the regulated community. Many issues were brought forth for discussion and resolved during these meetings. In addition, copies of the proposed regulation were mailed to approximately 590 interested individuals, industrial facilities, and consultants.
8. The Department received approximately 200 written and oral comments from members of the regulated community during the drafting and proposed regulation comment periods. All comments received were considered in drafting the proposed amendments before the Board. A Summary of Public Comments and Department Responses is submitted as Attachment D.
9. Department staff are requesting a finding of need and reasonableness by the Board. If approved, the proposed amendment to Regulation 61-62 will be forwarded to the Legislature for review.

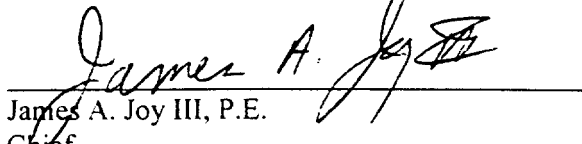
IV. ANALYSIS:

1. A source test is a method of measuring pollutants being emitted to the atmosphere from process or air pollution control equipment vents, ducts or stacks. Source tests are conducted to determine emissions for such pollutants as particulate matter, trace metals, acids, and organic and toxic materials. Source testing results provide source owners and operators information on control device efficiency and data for design of new process and control equipment. Source testing provides data which the Department and the EPA may use to evaluate compliance and formulate control strategies.
2. The proposed amendments will establish, standardize and clarify source testing requirements for all affected source owners or operators and source testers. Reviewing and approving the site-specific test plan gives the Department an opportunity to identify and address any deficiencies prior to testing and will ensure that source testers use prescribed and approved methods and procedures during testing. Prior approval of source test plans will minimize the number of retests which must be performed due to test deficiencies. Owners or operators of sources with approved site-specific test plans will have more flexibility in conducting source tests, since Department representatives may elect not to be present to observe each test.
3. See Statement of Need and Reasonableness submitted as Attachment A.


IV. RECOMMENDATION:

Department staff recommend that based upon the public hearing and attached information, that the Board find for the need and reasonableness of the proposed amendment and approve it for submission to the Legislature for review.

Submitted by:


James A. Joy III, P.E.
Chief
Bureau of Air Quality

Approved by:


R. Lewis Shaw, P.E.
Deputy Commissioner
Environmental Quality Control

Attachments:

- A. Statement of Need and Reasonableness
- B. Summary of Revisions
- C. Text of Proposed Amendment
- D. Public Comments & Department Responses
- E. State Register Notice of Proposed Regulation published October 24, 1997
- F. State Register Notice of Drafting published April 25, 1997

ATTACHMENT A
Statement of Need and Reasonableness
Regulation 61-62, Air Pollution Control Regulations and Standards
November 26, 1997

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

Description of Regulation:

Purpose: The proposed amendments will establish, standardize and clarify source testing requirements for all affected source owners or operators and source testers. ;

Legal Authority: The legal authority for the Regulation 61-62 is Section 48-1-30 through 48-1-60, S.C. Code of Laws.

Plan for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed amendments will be implemented by providing the regulated community with copies of the amendment to the regulation and by staff-conducted training sessions.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The current regulatory requirements for source testing are included in various sections of several regulations and standards in Regulation 61-62, *Air Pollution Control Regulations and Standards*. The title of Regulation 61-62.1 will be changed from *Definitions, Permit Requirements, and Emissions Inventory* to *Definitions and General Requirements*. Currently there are no written regulations which govern site-specific source test plans, and source test requirements are implemented through Department-issued guidance and policy. The proposed amendments will establish, standardize and clarify source testing requirements for source owners or operators and source testers. Reviewing and approving a site-specific source test plan will give the Department an opportunity to identify and address any deficiencies prior to testing and will ensure that sources and source testers use prescribed and approved methods and procedures during testing. Under existing requirements, facility owners or operators must coordinate source testing schedules to ensure that a Department representative can observe every source test performed. Owners and operators of sources with approved site-specific test plans will have more flexibility in conducting source tests, since Department representatives may elect not to be present to observe each test.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased costs to the State or its political subdivisions. The proposed regulation will result in more efficient use of Department resources. There will be an added cost for some members of the regulated community who are not presently required to prepare a site-specific source test plan. The major benefits include the consistency of requirements for all sources which perform source tests, the standardization of requirements into a single section for ease of use and understanding, and the source testing flexibility afforded the regulated community through the use of an approved site-specific source test plan. The proposed regulation will result in more efficient use of Department resources through expeditious

reviews of source test reports and by reducing the need to observe all source tests. Another benefit is a reduction in the number of retests required because of improper test method utilization and unrepresentative source operating parameters.

External Cost:

Current Bureau of Air Quality guidelines require that facilities conducting complex source tests for pollutants listed in Regulation 61-62.5, Standard Number 8, submit test plans prior to conducting source tests. These facilities should not be affected by the proposed regulation. Other affected facilities should expect an increase in the cost of source tests because of the additional costs associated with the preparation of site-specific test plans. Facilities with multiple sources can consolidate many of their tests into one site-specific test plan for substantial overall savings. Average projected additional annual costs are \$400 for single source facilities and \$821 for multiple source facilities. These projections are based on source tests conducted in calendar years 1995-1996.

UNCERTAINTIES OF ESTIMATES:

The cost of site-specific test plan preparation has been estimated based on fee information furnished by several source testing firms. Uncertainty of total costs of implementing this regulation are affected by the variability of costs from different source testing firms, the ability of facilities to consolidate tests and final consolidation costs at multiple source facilities. The uncertainties of the projected estimated costs to the regulated community include considerations such as the number of sources and emission points being tested.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These amendments will clarify source test requirements and be consistent with current State and Federal requirements. The proposed amendments will provide a better means for quantifying air emissions to the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

If this regulation is not promulgated, source test procedures will remain inconsistent, unacceptable source test methods may be used, and there will be less certainty about actual air emissions to the environment.

ATTACHMENT B
Summary of Proposed Revisions
of R.61-62, Air Pollution Control
Regulations and Standards
November 26, 1997

An asterisk (*) represents changes made pursuant to comments received from the Staff Informational Forum and the public comment write-in period as published in the State Register as Document No. 2244, on October 24, 1997, and prior to the public hearing before the Board.

SECTION CITATION

CHANGE:

61-62.1	The title of the regulation is changed to "Definitions and General Requirements." Currently this title includes the names of all of the sections contained in the regulation. The title change to Definitions and General Requirements will identify more clearly that the regulation contains many general provisions.
61-62.1, Section IV.	New section with requirements for source testing is being added.
* 61-62.1, Section IV.A.1	Language is being added as a result of a comment to clarify applicability.
* 61-62.1, Section IV.A.2	Language is being added to clarify that Relative Accuracy Test Audit (RATA) testing and continuous emissions monitoring (CEM's) are subject to the regulation but that Linearity Tests are not.
* 61-62.1, Section IV.B.1.a.& Section IV.B.5.a.&b.	Language is being added to clarify submittal requirements for owners or operators with previously approved site-specific test plans.
61-62.1, Section IV, C.4.a	The words "all potential associated risk..." are replaced with "any risk associated..."
61-62.1, Section IV.6.c	The words "when applicable" are added to clarify requirement.
* 61-62.1, Section C.8.b&c	Language added to requirement to clarify the information being requested.
61-62.1, Section D.1	Language added to clarify that this requirement is also applicable to a previously approved test plan submittal.
* 61-62.1, Section D.2	Language added to clarify what information is required when a source test is not performed as notified.
*61-62.1, Section D.3	Language is being added in response to a comment to clarify the intent of the requirement.

* 61-62.1, Section D.6.c&d	The word “platforms” is replaced with “sites”.
* 61-62.1, Section D.6.f	Language is being added in response to a comment to clarify the intent of the requirement.
* 61-62.1, Section E.4	Deletes the word “sole”.
* 61-62.1, Section F.2.a-s	Adds “when applicable” to clarify when information requested in F.2.a-s is required to be submitted. Deletes “if applicable” in F.2.d. Changes “will be” to “were” in F.2.f. Replaces the word “official” with “representative who is present and can verify”, and deletes the word “certifying” in F.2.i.
61-62.1, Section G.	Changes the word “of” to “after” to clarify introductory paragraph.
* 61-62.1, Section G.2	Deletes item G.2 and renumbers entire paragraph.
* 61-62.1, Section H.	Adds language to clarify that requirement is also applicable to source test consultants.
61-62.1, Section II.G.4.(d)	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 1, Section VI	The existing introductory text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 1, Section VII	The existing text of Section VII is being revised and moved to the proposed source test regulation, 61-62.1, Section IV, Source Tests. Section VII will be reserved for future use.
61-62.5, Standard No. 3, Section VIII.A.	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 3, Section IX	The existing text of Section IX is being revised and moved to the proposed source test regulation, 61-62.1, Section IV, Source Tests. Section IX will be reserved for future use.
61-62.5, Standard No. 3.1, Section VI, Part A, Items 1 through 5	The word “stack” is being replaced with “source” in items 1, 2, 3 and 5. The word “facility” is being changed to “incinerator” in item 2. The text in item 3 is being changed to reference the new source test section. In item 5 the acronym “BAQC” is being replaced with the word “Department” for consistency.
61-62.5, Standard No. 3.1,	The existing text of Section IX is being revised and moved to the

Section IX	proposed source test regulation, 61-62.1, Section IV, Source Tests. Section IX will be reserved for future use.
61-62.5, Standard 3.1, Section X.C	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section. The words “stack sampling” are being replaced with the words “source tests” for consistency.
61-62.5, Standard No. 4, Section XII.A	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section. The introductory text of Section XII.A will be changed.
61-62.5, Standard No. 4, Section XII.A.5	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section. Text from R.62.5, Standard 4, Section XIII.A pertaining to asphalt plants is being moved to be included in item 5.
61-62.5, Standard No. 4, Section XII.B	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 4, Section XIII	The text of Section XIII, except for text addressing asphalt plants, will be revised and moved to the proposed R.61-62.1, Section IV, Source Tests. The text addressing asphalt plants will be moved to Section XII of Standard No. 4, and Section XIII will be reserved for future use.
61-62.5, Standard 5, Section I, Part E	The existing introductory text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard 5, Section I, Part E.2.b	The word “stack” is being changed to “source” for clarification and consistency.
61-62.5, Standard 5, Section I, Part E.4	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard 5, Section I, Part E, Items 5 through 12	The existing text of items 5 through 12 will be deleted since it is identical to text which has already been revised and moved to the proposed source test section.
61-62.5, Standard 5.1, Section III	The existing introductory text is being revised to specify who is responsible for ensuring source tests are performed and to provide a

requirement for complying with the proposed source test section.

61-62.5, Standard 5.1,
Section III.A.3

The word "stack" is being changed to "source" for clarification and consistency.

61-62.5, Standard 5.1,
Section III.B.2

The word "stack" is being changed to "source" for clarification and consistency.

61-62.5, Standard 5.1,
Section III. Parts D and L

The existing text of items D through L will be deleted since it is identical to text which has already been revised and moved to the proposed source test section.

61-62.5, Standard
No. 8, Section IV

The existing introductory text is being revised to specify who is responsible for ensuring source tests are performed, and to provide a requirement for compliance with the proposed source test section.

ATTACHMENT C
Text of Proposed Amendment of R.61-62
Air Pollution Control Regulations and Standards
November 26, 1997

LEGEND:

Redline text = new text.

Strikeout text = text being deleted

Underlined text = existing text being moved.

Redline and Underline = existing text being revised.

1. The title of sub-regulation 61-62.1 will be revised:

61-62.1, *Definitions and General Requirements* ~~Definitions, Permit Requirements and Emissions Inventory~~

2. New Section IV, Source Tests, will be added to Sub-regulation 61-62.1:

61-62.1 Section IV - Source Tests

A. Applicability.

This Section shall apply to the owner or operator of any source which conducts:

1. a source test required under an applicable standard or permit condition; or pursuant to a judicial or administrative order, consent agreement, or any other such binding requirement entered into after the effective date of this standard, or

2. any other source test from which data will be submitted to the Department for any purpose including but not limited to: determination of applicability of regulatory requirements, development of site-specific emission factors, establishment of parameters for compliance assurance monitoring, continuous emission monitoring, and Relative Accuracy Test Audits (RATA).

3. B. Submission and Approval of a Site-Specific Test Plan.

1. Prior to conducting a source test subject to this Section, the owner or operator shall ensure that:

a. a written site-specific test plan including all of the information required in paragraph C below has been developed and submitted to the Department. If the Department has previously approved a site-specific test plan the owner or operator may submit a letter which references the approved plan and which includes a thorough description of amendments to the plan; and

b. written Department approval of the site-specific test plan, methods, and procedures has been received.

2. All test methods included in the site-specific test plan must be either EPA Reference Methods described in, 40 CFR Part 51, Appendix M, or 40 CFR Part 60, Appendix A, or 40 CFR Part 61, Appendix

B, or 40 CFR Part 63, Appendix A or Department-approved alternate test methods.

3.a. The owner or operator of a source proposing to use alternative source test methods shall ensure that the alternative source test method is either validated according to EPA Reference Method 301 (40 CFR Part 63, Appendix A, December 29, 1992), and any subsequent amendments or editions, or approved by the Department.

b. The owner or operator shall ensure that requests for approval of alternative source test methods are submitted to the Department along with the site-specific test plan, and that the submission contains all of the information required by paragraph C below.

4. The Department shall determine whether any source test method proposed in the site-specific test plan is appropriate for use.

5.a. The owner or operator shall submit site-specific test plans or a letter which amends a previously approved test plan at least 45 days prior to the proposed test date. Sources conducting tests for substances listed in Regulation 61-62.5, Standard No. 8, shall submit site-specific test plans or a letter which amends a previously approved test plan at least 60 days prior to the proposed test date.

b. If the only amendments to a previously approved test plan are to facility information included in paragraph C.1 below, the requirement in B.5.a will not apply. The owner or operator, however, shall submit the amendments at least two weeks prior to the proposed test date.

6. Within 30 days of site-specific test plan receipt, the Department will notify the owner or operator of site-specific test plan approval or denial or will request additional information.

7. The owner or operator shall submit any additional information requested by the Department necessary to facilitate the review of the site-specific test plan.

8. Approval of a site-specific test plan for which an owner or operator fails to submit any additional requested information will be denied.

9. Neither the submission of a site-specific test plan, nor the Department's approval or disapproval of a plan, nor the Department's failure to approve or disapprove a plan in a timely manner shall relieve an owner or operator of legal responsibility to comply with any applicable provisions of this Section or with any other applicable Federal, State, or local requirement, or prevent the Department from enforcing this Section.

C. Requirements for a Site-Specific Test Plan.

A site-specific test plan shall include, at a minimum, the following:

1. Facility Information:

- a. Facility name, address, and telephone number, and name of facility contact.
- b. Facility permit number and source identification number.
- c. Name, address, and telephone number of the company contracted to perform the source test.
- d. Name, address, and telephone number of the laboratory contracted to perform the analytical analysis

of the source test samples.

2. Test Objectives:

a. Description and overall purpose of the tests (for example, to demonstrate compliance, to establish emission factors, etc.).

b. Citation of any applicable State or Federal regulation or permit condition requiring the tests.

3. Process Descriptions:

a. Description of the process including a description of each phase of batch or cyclic processes, and the time required to complete each phase.

b. Process design rates and normal operating rates.

c. Proposed operating rate and conditions for the source test.

d. Methods including proposed calculations, equations, and other related information that will be used to demonstrate and verify the operating rate during the source test.

e. Description of any air pollution control equipment.

f. Description of any stack gas or opacity monitoring systems.

g. A description of all air pollution control monitors (for example, pressure gauges, flow indicators, cleaning cycle timers, electrostatic precipitator voltage meters, etc.) when applicable.

h. A list of process and air pollution control operating parameters that will be recorded during the tests, the responsible party who will record these readings, and the frequency at which readings will be recorded.

4. Safety Considerations:

a. Identification of any ~~and all potential~~ risks associated with sampling location and accessibility, toxic releases, electrical hazards, or any other unsafe conditions, and a plan of action to correct or abate these hazards.

b. List of all necessary or required safety equipment including respirators, safety glasses, hard hats, safety shoes, hearing protection, and other protective equipment.

5. Sampling and Analytical Procedures:

a. Description of sampling methods to be used.

b. Description of analytical methods to be used.

c. Number of tests to be conducted.

d. Number of runs comprising a test.

e. Duration of each test run.

f. Description of minimum sampling volumes for each test run.

g. Location where samples will be recovered.

h. Explanation of how blank and recovery check results and analytical non-detects will be used in final emission calculations.

i. Maximum amount of time a sample will be held after collection prior to analysis.

j. Method of storing and transporting samples.

6. Sampling Locations and Documentation:

a. Schematics of sampling sites (include stack dimensions and distances upstream and downstream from disturbances).

b. A description of all emission points, including fugitive emissions, associated with the process to be tested, and when applicable, the method that will be used to measure or include these emissions during the source test.

c. Procedure for verifying absence of cyclonic or non-parallel stack gas flow.

7. Internal Quality Assurance/Quality Control (QA/QC) Measures. For each proposed test method when applicable:

a. Citation of the QA/QC procedures specified in the EPA Reference Methods and the EPA Quality Assurance Handbook for Air Pollution Measurement Systems, Volume III.

b. Chain-of-custody procedures and copies of chain-of-custody forms.

c. Procedure for conditioning particulate matter filters (before and after source testing).

d. Procedure for conducting leak checks on vacuum lines, pitot tubes, flexible bags, orsats, etc.

e. Equipment calibration frequencies, ranges, and acceptable limits.

f. Minimum detection limits of analytical instrumentation.

g. Names, addresses and responsible persons of all sub-contracting laboratories and a description of analytical methods to be used, chain-of-custody procedures and QA/QC measures.

h. QA/QC measures associated with the collection and analysis of process or raw material samples and the frequency at which these samples will be collected.

i. Methods for interference and matrix effects checks, and number of replicate analyses.

j. Methods and concentrations for internal standards (standards additions prior to extraction).

k. Methods and concentrations for surrogate standards (standards additions to collection media prior to sampling).

l. Methods for recovery checks, field blanks, lab blanks, reagent blanks, proof rinse blanks, and analytical blanks.

m. Proposed range of recoveries for data acceptability and method of data interpretation if sample recovery is not within the proposed range.

8. Final Test Report Content:

a. Final report outline.

b. Example calculations when using alternative test methods or for calculation of process operating rates.

c. ~~Projected~~Proposed report submission date if more than 30 days after the source test will be needed to complete the report.

D. Notification and Conduct of Source Tests.

1. Prior to conducting a source test subject to this Section, the owner or operator shall ensure that written notification is submitted to the Department at least two weeks prior to the test date. Submission of a site-specific test plan or amendments to a previously approved test plan does not constitute notification.

2. In the event the owner or operator is unable to conduct the source test on the date specified in the notification, the owner or operator shall notify the Department immediately by telephone and follow up in writing within 30 days. Telephone notification shall include a description of the circumstance(s) causing

the cancellation of the test, and a projected retest date. The written follow-up report shall ~~provide~~ include a ~~detailed~~ description of the condition(s) which prevented the source test from being conducted, and when applicable, what corrective action was performed, ~~and~~ or what equipment repairs were required.

3. Rescheduling of canceled source tests must meet the two-week notice requirement. However, shorter notification periods may be allowed subject to Department approval.

4. All tests shall be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing.

5. Unless approved otherwise by the Department, the owner or operator shall ensure that source tests are conducted while the source is operating at the maximum expected production rate or other production rate or operating parameter which would result in the highest emissions for the pollutants being tested. Examples of the operating parameters that may effect emission rates are: type and composition of raw materials and fuels, isolation of control equipment modules, product types and dimensions, thermal oxidizer combustion temperature, atypical control equipment settings, etc. Some sources may have to spike fuels or raw materials to avoid being permitted at a more restrictive feed or process rate. Any source test performed at a production rate less than the rated capacity may result in permit limits on emission rates, including limits on production if necessary.

6. When conducting a source test subject to this Section, the owner or operator of a source shall provide the following:

- a. Department access to the facility to observe source tests;
- b. Sampling ports adequate for test methods;
- c. Safe sampling ~~platform~~ site(s);
- d. Safe access to sampling ~~platform~~ site(s);
- e. Utilities for sampling and testing equipment; and
- f. Equipment and supplies are necessary for safe testing of a source.

E. Source Test Method Audit Program.

1. The Department may request that samples collected during any source tests be split with the Department for analysis by an independent or Department laboratory. Any request for split samples will be made in advance of the source test.

2. The owner or operator shall analyze performance audit samples provided by the Department. If the Department does not provide performance audit samples to the owner or operator, the Department thereby waives the requirement to conduct a performance audit.

3. A waiver of performance audit requirements to conduct a performance audit for a particular source test under E.2 above does not constitute a waiver of performance audit requirements for future source tests.

4. The Department shall have ~~sole~~ discretion to require any subsequent remedial actions of the owner or operator based on the split sample and/or performance audit results.

F. Final Source Test Report.

1. The owner or operator of a source subject to this Section shall submit a written report of the final source test results to the Department by the close of business on the 30th day following the completion of the test, unless an alternative date has been requested in and approved with the site-specific test plan prior to testing or is otherwise specified in a relevant Federal or State standard. The final test report for each site-specific test plan shall contain, at a minimum, the following supporting information:

2. The final test report for each site-specific test plan shall contain, at a minimum, the following supporting information when applicable:

- a. Summary of the results.
- b. Emission calculations and emission rates in units of the applicable standard, permit limit, etc.
- c. Allowable emission rates in units of the applicable standard, permit limit, etc.
- d. Source compliance status, if applicable.
- e. Process operating rates.
- f. Methods including actual calculations, equations, and other related information that will be used to demonstrate and verify the operating rate during the source test.
- g. Chain of custody records.
- h. Certification of all reference standards used.
- i. Signature of responsible facility official representative who was present during the source test and can verify/certifying process operating rates and parameters.
- j. Legible copies of all raw laboratory data (for example, filter tare and final weights, titrations, chromatograms, spectrograms, analyzer measurements, etc.).
- k. Legible copies of all raw field data (for example, strip charts, field data forms, field calibration forms, etc.).
- l. Legible copies of applicable stack gas or opacity monitoring system readings identified in the approved site-specific test plan.
- m. Legible copies of all applicable process and air pollution control operating parameter readings identified in the approved site-specific test plan.
- n. Results of all calibrations and QA/QC measures and checks identified in the approved site-specific test plan.
- o. Results of performance audits pursuant to paragraph E.
- p. Description of any deviations from the proposed process operations as approved in the site-specific test plan during testing.
- q. Description of any deviations from approved sampling methods/procedures.
- r. Description of any deviations from approved analytical procedures.
- s. Description of any problems encountered during sampling and analysis, and explanation of how each was resolved.

G. Non-Compliant Results.

1. Within fifteen days of submission of a test report indicating non-compliance, the owner or operator shall submit to the Department a written plan which includes at a minimum:

- a.. interim actions being taken to minimize emissions pending demonstration of compliance;
- b. corrective actions that have been taken or that are proposed to return the source to compliance;
- c. method that will be used to demonstrate the source has returned to compliance (for example, retest and proposed date);

d. any changes necessary to update the site-specific test plan prior to a retest.

~~2. The Department shall have discretion to require any interim measures or corrective actions of the owner or operator.~~

H. Analytical Observation.

Upon request by the Department, the owner or operator or the source test consultant shall ensure that Department representatives are provided access to the analytical laboratory for observation of instrument calibrations and analysis of field and audit samples.

I. Site Inspection.

Upon request by the Department and prior to approval of the site-specific test plan, the owner or operator shall ensure Department representatives are provided access to the site for inspection of the source(s) to be tested.

J. Modifications.

Modifications to the approved site-specific test plan must have prior Department approval. Approval shall be considered on a case-by-case basis. Failure to obtain prior Department approval may cause final test results to be unacceptable.

3. 61-62.1, Section II,G.4.(d) will be revised to read:

~~(d) An owner or operator of stationary sources that desire or are required to conduct performance tests to verify emissions limitations shall ensure that source tests are conducted in accordance with the provisions of R.61-62.1, Section IV, Source Tests. submit a test protocol that includes test methodology and procedures. The test protocol shall be approved by the Department prior to conducting the performance test. The source shall notify the Department at least 60 calendar days prior to the performance test date to allow a Department representative an opportunity to be present at the performance test. The report of the performance test results shall be submitted to the Department not later than 30 calendar days from the test date, and the results shall be approved by the Department. Upon written request by the applicant, the Department may grant an extension to submit test results beyond the 30-day requirement on a case-by-case basis. The Department shall determine if an extension is warranted based upon the complexity of the testing being conducted and the amount of data expected to be generated.~~

4. 61-62.5, Standard 1, Section VI, Introduction will be revised to read:

SECTION VI - PERIODIC TESTING

An owner or operator of any source listed below shall ensure that scheduled periodic tests for particulate matter emissions are conducted every two years or as required by permit conditions and are performed in accordance with the provisions of R.61-62.1, Section IV, Source Tests. An owner or operator shall demonstrate compliance with sulfur dioxide emissions by source testing, continuous monitoring, or fuel analysis as required by permit conditions. Scheduled periodic tests for particulate matter emissions will be required of the sources listed below every two years, or as required by permit conditions to demonstrate

~~compliance with this Standard. Compliance with sulfur dioxide will be by source testing, continuous monitoring, or fuel analysis as required by the permit conditions.~~

5. 61-62.5, Standard 1, Section VII will be revised to read:

SECTION VII - [RESERVED]SOURCE TEST REQUIREMENTS

~~A. The owner or operator required to comply with Section VI above shall conduct such tests as required by the Department in order to demonstrate compliance with this Standard. The test methods and procedures used shall be approved EPA test methods or such alternative methods as approved by the Department prior to testing.~~

~~— Tests shall be conducted while the source is operating at the expected maximum production rate or other production rate or operating conditions which would result in the highest emissions. Any production rate less than rated capacity may result in production limitations on the permits.~~

~~— All tests shall be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing.~~

~~— B. Any source owner or operator proposing to conduct tests in accordance with paragraph A. above shall notify the Department in the manner set forth below of the intent to test, not less than two weeks before the proposed initiation of the tests so the Department may observe the test if it desires to do so.~~

~~— Notification shall include the following minimum information:~~

- ~~— 1. the purpose of the proposed test.~~
- ~~— 2. a description of the source to be tested.~~
- ~~— 3. a description of the test procedures, equipment and sampling sites.~~
- ~~— 4. a timetable, setting forth the dates on which the testing will be started and concluded.~~

~~— C. The final test reports must be submitted no later than 30 days after completion of on-site testing containing as a minimum, the following supporting information:~~

- ~~— 1. process weight rates (lb/hr).~~
- ~~— 2. process design and load rates at which the test was conducted.~~
- ~~— 3. procedure used for determining process weight rates.~~
- ~~— 4. calculations used to determine process weight rates.~~
- ~~— 5. signature of responsible company official.~~

~~— D. The owner or operator proposing a source test under the provisions of this section shall be responsible for providing:~~

- ~~— 1. sampling ports, pipes, lines, or for the appurtenances for the collection of samples and data by the test procedure.~~
- ~~— 2. safe access to the sample and data collection locations~~
- ~~— 3. light, electricity, and other utilities required for sample and data collection.~~

~~— E. Any proposed deviations from the procedures and requirements stated above must be thoroughly explained and must be approved by this Department prior to testing. Failure to observe any of these procedures or requirements may be grounds for not accepting the tests.~~

6. 61-62.5, Standard 3, Section VIII.A will be revised to read:

A. An owner or operator of any source listed in paragraph C below shall ensure that scheduled periodic tests for the parameters associated with that source are conducted in accordance with R.61-62.1, Section IV, Source Tests. Scheduled periodic tests for the parameters listed below will be required of sources as shown.

These tests will be performed when evaluating a source at the time an operating permit is first being issued and every two years thereafter, except as noted otherwise. This requirement to conduct tests may be waived if an alternative method for determining emissions can be developed which is acceptable to the Department.

7. R.61-62.5, Standard 3, Section IX.

§IX- [RESERVED] TEST METHODS

~~A. The owner or operator required to comply with Section VIII above shall conduct such tests as required by the Department in order to demonstrate compliance with this Standard. The test methods and procedures used shall be approved EPA test methods or such alternative methods as approved by the Department and EPA prior to testing. The table below lists the approved test methods:~~

Parameter	Stack Test Method
1. Opacity	EPA Reference Method 9 (40 CFR 60, Appendix A, July 1, 1986).
2. HCL	Modified EPA Reference Method 5 (40 CFR 60, Appendix A, July 1, 1986) using ion specific electrode analysis.
Parameter	Analytical Test Method
3. Particulate Matter	EPA Reference Method 5 (40 CFR 60, Appendix A, July 1, 1986).
4. Organic Destruction Volatile Organic Sampling Train (for & Removal Efficiency(DRE) organics with boiling points < 100° C) SemiVolatile Organic Sampling Train (for organics with boiling points > 100° C).	
5. O₂ & CO₂	EPA Reference Method 3 or 3A (40 CFR 60, Appendix A, July 1, 1986).
6. CO	EPA Reference Method 10 (40 CFR 60, Appendix A, July 1, 1986).
7. Hg	EPA Reference Method 101A (40 CFR 61, Appendix B, July 1, 1986).
8. Arsenic	EPA Reference Method 108 (40 CFR 60, Appendix A, July 1, 1986).
9. Cadmium	Modified EPA Reference Method 5 (40 CFR 60, Appendix A, July 1, 1986).
10. Chromium	Modified EPA Reference Method 5 (40 CFR 60, Appendix A, July 1, 1986).
11. Lead	EPA Reference Method 12 (40 CFR 60, Appendix A, July 1, 1986).
12. Nickel	Modified EPA Reference Method 5 (40 CFR 60, Appendix A, July 1, 1986).
13. Heat Value (BTU/lb)	ASTM D-2015-77
14. Halogens	ASTM D-808-81
15. Organics	As specified in "B" below
16. Arsenic	3040, 3050, 7060
17. Cadmium	3040, 3050, 6010, 7131
18. Chromium	3050, 6010, 7191
19. Lead	3040, 3050, 6010, 7420, 7421
Parameter	Analytical Test Method
20. Nickel	3040, 3050, 7520, 7521
21. Flash Point	1010

~~B. Test methods for organics, arsenic, cadmium, chromium, lead, nickel, and flash point are from the Federal publications "Test Methods for Evaluating Solid Waste" (SW-846) and "Proposed Test Methods for Evaluating Solid Waste" (NTIS PB8-103-026).~~

8. 61-62.5, Standard 3.1, Section VI, Part A, Items 1 through 5 will be revised to read:

A. General

1. For incinerator facilities in existence before May 25, 1990~~the effective date of this Standard~~, stacksource testing must be conducted within one year of the effective date of this Standard. For owners or operators with an approved schedule of corrective action, source testing will be conducted as specified in the approved schedule.

2. For incinerator facilities where construction commenced on or after May 25, 1990~~the effective date of this Standard~~, stacksource testing must be conducted within 60 days after achieving the maximum production rate at which the incinerator~~facility~~ will be operated, but no later than 180 days after initial start-up.

3. StackSource testing shall be conducted in accordance with~~the manner prescribed in Regulation 61-62.1, Section IV, Source Tests. 62.5, Standard 1, Section VII.~~

4. Hospitals and/or medical care facilities who implement a program to eliminate chlorinated plastics from the waste stream to be incinerated and abide by it will not be required to test for HCl emissions from their incinerator(s).

5. The Department~~BAQC~~ may require air contaminant stacksource testing~~as determined to be necessary~~ to assure continuous compliance with the requirements of this Standard and any emission limit stipulated as a permit condition.

9. 61-62.5, Standard 3.1, Section IX will be revised to read:.

SECTION IX - [RESERVED]

SECTION IX - TEST METHODS

~~A. The owner or operator required to comply with Section III, VI or X shall conduct such tests as required by the Department in order to demonstrate compliance with this Standard. The test methods and procedures used shall be approved EPA test methods or such alternative methods as approved by the Department prior to testing. The table below lists the approved test methods:~~

Parameter Stack Test Method

- ~~1. Opacity EPA Reference Method 9 (40CFR60, Appendix A, July 1, 1986):~~
- ~~2. HCl Modified EPA Reference Method 5 (40CFR60, Appendix A, July 1, 1986) using ion specific electrode analysis:~~
- ~~3. PM EPA Reference Method 5 (40CFR60, Appendix A, July 1, 1986):~~
- ~~4. O₂ EPA Reference Method 3 or 3A (40CFR60, Appendix A, July 1, 1986):~~
- ~~5. CO EPA Reference Method 10 (40CFR60, Appendix A, July 1, 1986):~~
- ~~6. Mercury EPA Reference Method 101A (40CFR61, Appendix B, July 1, 1986):~~
- ~~7. Arsenic EPA Reference Method 108 (40CFR60, Appendix A, July 1, 1986):~~
- ~~8. Cadmium Modified EPA Reference Method 5 (40CFR60, Appendix A, July 1, 1986):~~
- ~~9. Chromium Modified EPA Reference Method 5 (40CFR60, Appendix A, July 1, 1986):~~
- ~~10. Lead EPA Reference Method 12 (40CFR60, Appendix A, July 1, 1986):~~
- ~~11. Nickel Modified EPA Reference Method 5 (40CFR60, Appendix A, July 1, 1986):~~

- ~~12. SO₂ — EPA Reference Method 6 (40CFR60, Appendix A, July 1, 1986).~~
~~13. Beryllium — EPA Reference Method 103 or 104 (40CFR61, Appendix B, July 1, 1986).~~
~~14. CO₂ — EPA Reference Method 3 or 3A (40CFR 60, Appendix A, July 1, 1986).~~
~~15. PCDD & PCDF — MM-5 sampling train for sample collection with analysis using High Resolution Gas Chromatography/High Resolution Mass Spectrometry (HRGC/HRMS).~~

10. R.61-62.5, Standard 3.1, Section X.C will be revised to read:

C. The required analysis in A. or B. must show that predicted concentrations do not exceed the following applicable annual ambient concentrations. Levels exceeding these concentrations have been determined by the Department to be unacceptable.

<u>Contaminants</u>	Ambient Concentration <u>ug/m³</u>
Arsenic and compounds	0.23 x 10 ⁻³
Beryllium and compounds	0.42 x 10 ⁻³
Cadmium and compounds	0.56 x 10 ⁻³
Hexavalent Chromium and compounds	0.83 x 10 ⁻⁴
Lead and compounds	0.50
Mercury and compounds	0.08
Nickel and compounds	0.33 10 ⁻²
PCDD & PCDF expressed as 2,3,7,8 TCDD equivalents	0.30 x 10 ⁻⁷

Compliance shall be verified by ~~stack sampling~~ source testing as described in Section VI. The owner or operator shall ensure that source tests are conducted in compliance with R.61-62.1, Section IV, Source Tests. Using the actual stack emission rates, the exhaust parameters from each test and the dispersion modeling techniques specified in the application as approved by the Department the calculated maximum annual ambient concentrations shall not exceed the above levels.

11. R.61-62.5, Standard 4, Section XII.A will be revised to read:

A. Particulate Matter Emissions and/or Sulfur Dioxide (SO₂)

An owner or operator of a source listed below shall perform scheduled periodic tests for particulate matter emissions and/or sulfur dioxide ~~will be required for the sources~~ every two years except as noted, or on a schedule as stipulated by special permit conditions, and shall ensure that source tests are conducted in accordance with R.61-62.1, Section IV, Source Tests. ~~to demonstrate compliance with this Standard.~~

12. 61-62.5, Standard 4, Section XII.A.5 will be revised to read:

5. Asphalt plants. Asphalt plants that have a baghouse operating in a satisfactory manner with sufficiently low visible emissions may be exempted at the discretion of the Department. Asphalt plants will be required to produce "surface mix" during compliance source testing. "Surface mix" is hot laid asphaltic concrete surface courses (except sand asphalt surface mix) as defined in Section 403 of the 1986 edition of the South Carolina State Highway Department's "Standard Specifications for Highway Construction" manual. The

Department may, at its discretion, waive this requirement if sufficient evidence indicates that less than 25% of the plant's total annual production is surface mix.

13. 61-62.5, Standard 4, Section XII.B will be revised to read:

B. Total Reduced Sulfur (TRS)

An owner or operator of a source which must comply with Section XI must perform scheduled periodic tests for TRS every two years or on a schedule as stipulated by special permit conditions ~~to demonstrate compliance~~ and shall ensure that source tests are conducted in accordance with R.61-62.1, Section IV, Source Tests.

14. R.61-62.5, Standard 4, Section XIII will be revised to read:

SECTION XIII - [RESERVED]

~~**SOURCE TEST REQUIREMENTS**~~

~~A. The owner or operator required to comply with Section XII above shall conduct such tests as required by the Department in order to demonstrate compliance with this Standard. The test methods and procedures used shall be approved EPA test methods or such alternative methods as approved by the Department prior to testing.~~

~~— Tests shall be conducted while the source is operating at the maximum production rate or other production rate or operating conditions which would result in the highest emissions. Any production rate less than rated capacity may result in production limitations on the permits.~~

~~— All tests shall be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing.~~

~~— Asphalt plants will be required to produce "surface mix" during compliance source testing. "Surface mix" is hot laid asphaltic concrete surface courses (except sand asphalt surface mix) as defined in Section 403 of the 1973 edition of the South Carolina State Highway Department's "Standard Specifications for Highway Construction" manual.~~

~~— The Department may, at its discretion, waive this requirement if sufficient evidence indicates that less than 25% of the plant's total annual production is surface mix.~~

~~B. Any source owner or operator proposing to conduct tests in accordance with paragraph A. above shall notify the Department in the manner set forth below of the intent to test, not less than two weeks before the proposed initiation of the tests so the Department may observe the test if it desires to do so.~~

~~— Notification shall include the following minimum information:~~

~~—— 1. the purpose of the proposed test.~~

~~—— 2. a description of the source to be tested.~~

~~3. a description of the test procedures, equipment, and sampling sites.~~

~~4. a timetable, setting forth the dates on which the testing will be started and concluded.~~

~~C. final test reports must be submitted no later than 30 days after completion of on-site testing, containing as a minimum, the following supporting information:~~

~~1. process weight rates (lb/hr)~~

~~2. process design and load rates at which the test was conducted.~~

~~3. procedure used for determining process weight rates.~~

~~4. calculations used to determine process weight rates.~~

~~5. signature of responsible company official.~~

~~D. The owner or operator proposing a source test under the provisions of this section shall be responsible for providing:~~

~~1. sampling ports, pipes, lines, or appurtenances for the collection of samples and data required by the test procedure.~~

~~2. safe access to the sample and data collection locations.~~

~~3. light, electricity, and other utilities required for sample and data collection.~~

~~E. Any proposed deviations from the procedures and requirements stated above must be thoroughly explained and must be approved by this Department prior to testing. Failure to observe any of these procedures or requirements may be grounds for not accepting the tests.~~

15. 61-62.5, Standard 5, Section I, Part E Introduction will be revised to read:

The owner or operator of any volatile organic compound source required to comply with Section II shall, at his own expense, conduct source tests in accordance with the provisions of R.61-62.1, Section IV, Source Tests, to demonstrate complete compliance unless the Department determines that the compliance status of the source can be monitored as described in Part F.

16. 61-62.5, Standard 5, Section I, Part E.2.b will be revised to read:

b. the indicated values are maintained at a level no less than that recorded during the last sourcestack test during which compliance was verified, and

17. 61-62.5, Standard 5, Section I, Part E.4 will be revised to read:

4. An owner or operator of a source shall ensure that source tests are conducted in accordance with Regulation 61-62.1, Section IV, Source Tests. The test methods and procedures used are specified in the

source's operating permit.

18. 61-62.5, Standard 5, Section I, Part E, Items 5 through 12.

- ~~5. All tests shall be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing.~~
- ~~6. Tests shall be conducted while the source is operating at the expected maximum production rate or other production rate or operating conditions which would result in the highest emissions. Any production rate less than rated capacity may result in production limitations on the permits.~~
- ~~7. No volatile organic compound emissions compliance test results will be accepted, unless prior notification has been supplied to the Department as required under paragraphs 8. and 9. below and the Department has granted approval.~~
- ~~8. Any person proposing to conduct a volatile organic compound emissions compliance test shall notify the Department, in the manner set forth under paragraph 9. below of the intent to test, not less than two weeks before the proposed initiation of the tests so the Department may at its option observe the test.~~
- ~~9. Any person notifying the Department of a proposed volatile organic compound emissions compliance test shall include, as part of notification, the following minimum information:~~
 - ~~a. a statement indicating the purpose of the proposed test;~~
 - ~~b. a description of the source to be tested;~~
 - ~~c. a description of the test procedures, equipment, and sampling sites; and,~~
 - ~~d. a timetable, setting forth the dates on which the testing will be started and concluded.~~
- ~~10. The final test reports must be submitted no later than 30 days after completion of on-site testing, containing as a minimum, the following supporting information:~~
 - ~~a. process weight rates (lb/hr.)~~
 - ~~b. process design and load rates at which the test was conducted.~~
 - ~~c. procedure used to determine process weight rates.~~
 - ~~d. calculations used to determine process weight rates.~~
 - ~~e. signature of responsible company official.~~
- ~~11. For compliance testing, the owner or operator of any volatile organic compound emissions source shall be responsible for providing:~~
 - ~~a. sampling ports, pipes, lines, or appurtenances for the collection of samples and data required by the test procedure.~~
 - ~~b. safe access to the sample and data collection locations; and,~~
 - ~~c. light, electricity, and other utilities required for sample and data collection.~~
- ~~12. The Department or the U.S. E.P.A. may verify test results submitted by companies with independent tests. EPA or state conducted tests will take precedence.~~

19. 61-62.5, Standard 5.1, Section III Introduction will be revised to read:

The owner or operator of any volatile organic compound source required to comply with this Standard shall, at his own expense, conduct source tests in accordance with the provisions of R.61-62.1, Section IV, Source Tests, to demonstrate complete compliance unless the Department determines that the compliance status of the source can be monitored as described in Section IV, below. If tests are required, the following conditions shall apply:

20. 61-62.5, Standard 5.1, Section III.A.3 will be revised to read:

3. every four (4) years for sources utilizing flame incineration provided the source operates, calibrates, and maintains a recorder for each incinerator which continuously records the combustion zone temperature and such temperature is maintained at a value no less than that recorded during the last sourcestack test during which compliance was verified.

21. 61-62.5, Standard 5.1, Section III.B.2 will be revised to read:

2. the indicated values are maintained at a level no less than that recorded during the last sourcestack test during which compliance was verified, and

22. 61-62.5, Standard 5.1, Section III, Parts D through L - text will be deleted.

~~D. The test methods and procedures used shall be U.S. Environmental Protection Agency approved test methods or such alternative methods as approved by the Department and the U.S.E.P.A. prior to testing.~~

~~E. All tests shall be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing.~~

~~F. Tests shall be conducted while the source is operating at the expected maximum production rate or other production rate or operating conditions which would result in the highest emissions. Any production rate less than rated capacity may result in production limitations on the permits.~~

~~G. No volatile organic compound emissions compliance test results will be accepted, unless prior notification has been supplied to the Department as required under paragraphs H. and I. below and the Department has granted approval.~~

~~H. Any person proposing to conduct a volatile organic compound emissions compliance test shall notify the Department, in the manner set forth under paragraph I below of the intent to test, not less than two weeks before the proposed initiation of the tests so the Department may at its option observe the test.~~

~~I. Any person notifying the Department of a proposed volatile organic compound emissions compliance test shall include, as part of notification, the following minimum information:~~

~~1. a statement indicating the purpose of the proposed test;~~

~~2. a description of the source to be tested;~~

~~3. a description of the test procedures, equipment, and sampling sites; and,~~

~~4. a timetable setting forth the dates on which the testing will be started and concluded.~~

~~J. The final test reports must be submitted no later than 30 days after completion of on-site testing, containing as a minimum, the following supporting information:~~

~~1. process weight rates (lb/hr.)~~

~~2. process design and load rates at which the test was conducted.~~

~~3. procedure used to determine process weight rates.~~

~~4. calculations used to determine process weight rates.~~

~~5. signature of responsible company official.~~

~~K. For compliance testing, the owner or operator of any volatile organic compound emissions source shall be responsible for providing:~~

~~1. sampling ports, pipes, lines, or appurtenances for the collection of samples and data required by the test procedure.~~

~~2. safe access to the sample and data collection locations; and,~~

~~3. light, electricity, and other utilities required for sample and data collection.~~

~~L. The Department or the U.S. E.P.A. may verify test data submitted by companies with independent tests. EPA or State conducted tests will take precedence.~~

23. R.61-62.5, Standard 8, Section IV, Introduction will be revised to read:

IV. SOURCE TEST REQUIREMENTS.

The owner or operator of all sources of toxic air pollutants shall conduct such tests as required by the Department to verify toxic air pollutant emission rates. An owner or operator shall ensure that source tests are conducted in compliance with the requirements of R.61-62.1, Section IV, Source Tests. ~~The test methods and procedures used shall be approved by the Department prior to testing.~~

ATTACHMENT D

Summary of Public Comments and Department Responses
for Proposed Amendment of R.61-62
Air Pollution Control Regulations and Standards
November 26, 1997

Legend:

- + = Industry Comment - Drafting Comment Period
- ++ = Industry Comment - Proposed Regulation Comment Period
- * = Staff Comment - Proposed Regulation Comment Period

+, ++1. Comment: Seven commenters disagreed with the need to develop a source test regulation since details for compliance source tests are outlined in a facility's permit and referenced in the EPA Methods.

Response: The proposed regulation does not specify what tests are required or how often a source test must be conducted. It will standardize and clarify source testing requirements for all affected owners or operators and source testers with regard to how the test is conducted. A site-specific test plan will include more detailed and different information than is contained in a facility's permit. EPA methods do not always contain the necessary information (for example: minimum sampling volumes and times) needed for conducting a source test.

+, ++2. Comment: Seven commenters conditionally supported the development of the source test regulation if the requirements are no more stringent than federal requirements.

Response: The proposed regulation does not impose any new requirements regarding frequency of source tests. It addresses how source tests are conducted. For tests for which EPA-approved methods exist, the proposed regulation adds certain quality assurance requirements necessary to ensure test validity. The regulation also will standardize procedures for testing when no Federally-approved method exists.

+3. Comment: Two commenters urged the Department to consider that scheduling outside source testers can take several weeks.

Response: With the development and approval of a site-specific test plan as required in the proposed regulation, the Department may not need to be present at each stack test. This will result in greater scheduling flexibility for facilities.

+4. Comment: Two commenters requested that a time limit for Department approval of a site-specific test plan be identified.

Response: Time frames for Department approval of a site-specific test plan have been identified and included in the proposed regulation.

+5. Comment: Two commenters requested that the time frame for submission of a site-specific test plan be 15 days when methods to be used are EPA-approved test methods, and 60 days for test methods requiring Department approval.

Response: Time frames for submission of a site-specific test plan are included in the proposed regulation. Because of the increasing number of source tests conducted each year, 15 days is insufficient for plan review. However, the proposed regulation provides for a shorter review period for tests for which there are already approved methods.

+6. Comment: One commenter suggested that when test methods must be developed for a source test, the Department provide the regulated community with previously approved test methods for a particular pollutant. Commenter does not believe a new method should have to be developed each time a facility tests for a pollutant which does not have an EPA-approved reference method.

Response: The Department maintains a database of all approved test methods and shares this information with source owners or operators and consultants upon request. Additional method validations and/or QA/QC measures may be necessary when processes or stack effluent compositions differ from those identified in previously approved test plans.

+7. Comment: Four commenters suggested that in-house source testing for compliance be exempted from regulation. Commenter states that the credible evidence rule makes in-house conducted source tests valid.

Response: If a facility conducts testing for internal, informational purposes only and does not intend to submit the results to the Department, it will not be required to submit a site-specific test plan. A test plan will be required only for purposes such as required compliance demonstrations, development of site-specific emission factors, or establishment of parameters for compliance assurance monitoring.

+8. Comment: One commenter suggested that the word “detailed” be excluded from the text of the proposed regulation since the meaning of detailed is subjective and tends to create misunderstandings.

Response: The Department has made an effort to omit the word “detailed” and use clear and concise language when identifying requirements imposed on the regulated community.

+9. Comment: One commenter suggested that the Department should not certify source testers. The commenter believes that free enterprise should be allowed to work to eliminate problem source testers.

Response: Due to on-going efforts by the National Environmental Laboratory Accreditation Commission (NELAC) to establish an accreditation and certification program for source testers and emission measurement procedures, the Department has decided not to pursue certification of source testers at this time. Certification may be required upon promulgation of NELAC standards.

+10. Comment: One commenter suggested that the proposed provisions for source test regulation could be in conflict with the compliance assurance monitoring regulation being proposed by the EPA.

Response: Preliminary review of the Compliance Assurance Monitoring (CAM) rule suggests that the proposed site-specific test plan enhances CAM requirements when sources opt to conduct source tests to establish compliance parameters. One example is identification during the source test of the operating and control equipment parameters that will be used to monitor process operations. Concurrence on sampling and analytical methods and performance audit analyses and QA/QC measurements will ensure acceptability of data. The proposed revision does not address when testing is required.

+11. Comment: Two commenters requested that the Department not impose Federal New Source Performance Standards across the board to all facilities.

Response: NSPS requirements are not being applied to all facilities. The proposed site-specific test plan requirement consolidates and standardizes existing regulations and guidance for test methodologies, and ensures data quality by addition of QA/QC measures. The proposed regulation does not change the existing requirements for when tests are conducted.

+12. Comment: Three commenters agreed with the submittal and approval of a site-specific test plan but only for an initial source test. Commenters believe that Department-issued guidance is sufficient.

Response: The Department believes that submittal and approval of a site-specific test plan should be required for both initial and subsequent source testing. During subsequent source testing, process parameters or test methodologies may be different. Original test plans could be used as core documents and decrease the cost of subsequent test plans. The proposed regulation comprises requirements already in Department-issued guidance. This regulation will ensure that all sources are consistent in their testing, notification, test report submittal, etc.

+13. Comment: Two commenters suggested that the development of additional source test regulations contradicts the Departments stated intent to streamline regulations.

Response: The proposed revision streamlines regulations by consolidating requirements from several sections and guidance documents into one section. The Department believes the source test regulation will be of great benefit to the regulated community. Owners or operators of sources with approved site-specific test plans will have more flexibility in conducting source tests, since Department representatives may not need to be present to observe each test. The regulation will also make testing more consistent and standardized.

+14. Comment: Two commenters expressed concerns that the proposed regulation would impact the Mass Balance method used by the brick industry to perform compliance monitoring.

Response: The proposed regulation is only for sources demonstrating compliance with applicable requirements through source testing and would not affect the criteria set forth for allowing mass balance methods.

++15. Comment: Two commenters questioned whether the provisions of the regulation were applicable to Relative Accuracy Test Audit (RATA) and Linearity Tests.

Response: The proposed regulation applies to any source emission test that will be submitted to the Department. RATAs are emission tests conducted to verify the accuracy of continuous emission monitoring systems and are subject to this regulation. Linearity and flow tests required by 40 CFR Part 75 (Acid Rain) are not emission tests and would not be subject. Paragraph A.2 has been amended by adding continuous emissions monitoring (CEMs) certifications and RATA tests in the description of applicable tests.

++16. Comment: Two commenters requested a provision be added to address the format for subsequent test plan submittals. Five other commenters requested that the site-specific test plan be applicable for the life of the source provided the conditions of the testing remain similar.

Response: New language is being added which allows an owner or operator to submit amendments to a previously approved test plan in a letter.

++17. Comment: Two commenters inquired whether a facility with an existing test plan would be required to comply with the 45-day submittal requirement. A second commenter requested language be added to allow 45-day and 60-day time-frames to be waived. Two commenters wanted to allow minor changes to paragraph C.1 without full notification.

Response: If the only amendments to a test plan are to facility information included in paragraph C.1.a-d, then the 45 or 60 day submittal would not apply, but the owner or operator would still have to submit amendments at least two weeks prior to the proposed test date. Certain Federal regulations require that test plans be submitted 60 days prior to testing. Sources subject to more than one requirement must comply with the more stringent.

++18. Comment: Five commenters suggested that a provision be added that would allow for automatic approval if the Department fails to respond within 30 days. Another commenter questioned what the consequences would be should the Department fail to respond within 30 days. Two commenters suggested that should the Department not conduct a timely review the facility may not be able to comply with other regulatory or permit testing requirements and should be held accountable.

Response: The Department intends to focus necessary resources to ensure that plans are reviewed within 30 days and problems resolved within the 45 days. Because use of site-specific test plans will become an important element in ensuring the validity of source tests, the Department believes it is inappropriate to provide automatic approval.

++19. Comment: Two commenters expressed concern regarding confidentiality of process information.

Response: Requests for confidentiality of process information will be handled in accordance with the agency's existing policies and procedures for handling confidential materials.

++20. Comment: One commenter requested that the words "all potential associated risks" in paragraph C.4 be replaced with the words "any risk associated."

Response: The words "all potential associated risks" is being replaced with "any risk associated."

++21. Comment: Two commenters suggested that the requirement in C.6.c for reporting the procedure for verifying the absence of cyclonic or non-parallel gas flow be qualified by adding the words "when applicable."

Response: The words "when applicable" have been added to the requirement for reporting the procedure for verifying the absence of cyclonic or non-parallel gas flow.

++22. Comment: Three commenters suggested that language be added to C.8.b to clarify when example calculations must be submitted as part of the final test plan.

Response: Example calculations must be submitted as part of the test plan for alternative source test methods and for calculation of process operating rates, if applicable. Language has been added to the

regulation in paragraph C.8.b to clarify this provision.

++23. Comment: Two commenters suggested that clarification be provided to explain what is meant by “projected report submission date” in paragraph C.8.c.

Response: To clarify this requirement the words “projected report submission date” will be replaced with “proposed report submission date if more than 30 days after the source test will be needed to complete the test report”.

++24. Comment: Three commenters inquired why the Department needed such detailed information in D.2 concerning the circumstances causing cancellation of a source test, necessary corrective actions, and equipment repairs.

Response: The Department recognizes that events causing test cancellation vary in complexity; however, it is appropriate to document when a source test is not performed as scheduled. The words “when applicable” are added to distinguish reporting requirements for more complex events, such as equipment failure, from the requirement for simpler events, such as weather conditions.

++25. Comment: Three commenters suggested adding a provision in paragraph D.5 which would allow source testing to be conducted at less than 100 per cent rated capacity.

Response: The regulation does not require testing at 100 per cent of rated capacity. However, sources should try to operate at 100 per cent of their rated capacity during source tests to avoid production limits being placed on operating permits. Feed stock and fuel quality may affect production and are considered when determining whether or not operating limits shall be imposed. Language has been added to provide for testing at less than 100 per cent rated capacity.

++26. Comment: One commenter noted that the regulation appears to require platforms but not all stacks have platforms.

Response: Platforms are not required by the regulation. The word “platform” will be replaced by “site(s).”

++27. Comment: One commenter suggested that the word “sole “ be deleted from the text in paragraph E.4 regarding the Department’s authority to require remedial actions of the owner or operator based on performance audit results.

Response: The word “sole” is being deleted from the text of E.4.

++28. Comment: Five commenters requested that language be added to paragraph F.1 to provide the Department with the authority to grant an extension for final test report submittal.

Response: Final reports may be submitted later than 30 days after completion of testing if an alternative time frame was requested in the site-specific test plan and was approved by the Department. Based on their knowledge of sampling and analytical methods used, source testers can accurately predict how long it takes to complete reports and may request additional time for complex tests. There are already other mechanisms for considering extensions under appropriate circumstances.

++29. Comment: Three commenters suggested that the criteria for information to be included in a final source test report in paragraph F.2 be qualified by adding the words “when applicable” to the introductory paragraph.

Response: The words “when applicable” are being added to the introductory paragraph in F.2. The words “if applicable” are being deleted from F.2.d. The words “will be” in F.2.f, are being replaced with “were”.

++30. Comment: Five commenters questioned whose signature is being requested by the term “responsible facility official” in paragraph F.2.i.

Response: The term “responsible facility official” means the person who was present during testing and can verify that those process operating rates and parameters included in the final source test report are correct (for example, the process operator). The word “official” is being replaced with “representative who was present during the source test...”. The word “certifying” is being replaced to read “can verify...”.

++31. Comment: Two commenters questioned whether F.2.e, “process operating rates” and F.2.f, “methods including actual calculation, equations, and other related information used to demonstrate and verify operating rates during source test” elicit the same response and data.

Response: The Department believes that these statements are not redundant. The first statement refers to listing the operating rates during the source test. The second statement refers to the actual method used to verify the operating rates such as calculations, on-line instrumentation, strip charts, etc.

++32. Comment: One commenter requested clarification regarding when a written plan for a non-compliant source must be submitted.

Response: The regulation is being reworded to say, “Within fifteen days after submission of a test report indicating non-compliance, the owner or operator shall submit to the Department a written plan which includes at a minimum: ...”.

++33. Comment: Two commenters suggested language changes in paragraph G.2 to the provision regarding Department authority to require corrective actions and interim measures for non-compliant results.

Response: After reconsideration of this paragraph, it was determined that paragraph G.2 restates Department enforcement authority and is unnecessary.

++34. Comment: Four commenters suggested that the provisions regarding the site-specific test plan and the final test report be removed from the regulation and put into a guidance document, and that this guidance document be referenced in the regulation.

Response: As a product of the Department’s ongoing dialogue with the regulated community, there has been a diligent effort to incorporate requirements into regulation rather than relying on guidance. Using regulation provides an opportunity for input from the regulated community and establishes requirements clearly.

++35. Comment: Three commenters indicated that the normal operating rates may not be known,

especially for new processes prior to startup, for inclusion in a site-specific test plan (paragraph B.1.a).

Response: Since normal operating rates may not be known for new processes prior to startup, sources that cannot establish design rates prior to plan submittal need not submit a numerical design rate but must include a statement that design rates are being developed and will be provided upon determination. However, production limits as described in Section D.5 may be imposed on sources that test at less than their rated capacity.

++36. Comment: Three commenters requested clarification to paragraph H. regarding responsibility for ensuring that Department representatives are provided access to analytical laboratories to observe instrument calibrations and sample analysis.

Response: When a facility or an independent source testing firm conducts sample analysis at its own facility such access can be ensured. Otherwise, owners or operators and consultants need to be mindful of contractual agreements with independent laboratories to ensure that Department representatives can be provided with access to the analytical laboratory for observation of instrument calibrations and analysis of field and audit samples. The text is being reworded to read: "Upon request by the Department, the owner or operator or the source test consultant shall ensure that Department representatives are provided access to the analytical laboratory for observation of instrument calibrations and analysis of field and audit samples."

++37. Comment: Several commenters support the proposed regulation and believe it will save costs by decreasing the number of retests which must be performed.

Response: The Department agrees that the proposed regulation will save costs by decreasing the number of retests which must be performed.

++38. Comment: Several commenters support the proposed regulation and believe the provisions will standardize the procedures and allow some flexibility for all sources required to perform source test.

Response: The Department agrees that the regulation will standardize procedures and allow some flexibility for sources required to perform source tests.

++39. Comment: One commenter requested clarification for when a test plan should be submitted if the test is being done for the facility's own information.

Response: Sources conducting tests in which the results will not be submitted to the Department (e.g. in-house testing), do not have to submit site-specific test plans.

++40. Comment: One commenter requested clarification concerning split samples and performance samples.

Response: Splitting samples and performance audit samples serve as a check by the Department on the validity of the analysis done by the consultant or his contract laboratory. "Split samples" refers to the splitting with the Department of actual emission samples collected during the source test. The Department has its sample analyzed by an independent or Department laboratory and compares the results with those obtained by the consultant. "Performance audit samples" refers to samples the Department obtains from the EPA or Department laboratory which the Department gives to the consultant during the source test. These

performance audit samples are to be analyzed at the same time as the emission samples. The Department compares the results obtained by the consultant to the known values and determines if the analysis is valid.

++41. Comment: One commenter remarked that a definition for "source tests" was not found in the regulation and therefore he is not sure if he is subject to the regulation. For this reason, the commenter suggested that the regulation be withdrawn, revised to include the definition, and republished so that applicability would be clear. The same commenter also requested that the Department include a list of approved emission tests that are exempted from this regulation (such as EPA Methods 9 and 22).

Response: The terms stack tests, source tests and performance tests have been used interchangeably in Federal and State regulations for over 25 years and do not include Visible Emission Evaluations (VEE's) such as EPA Reference Methods 9 or 22. It is well understood at this point what is meant by these terms. The Department is not redefining these terms, only replacing "stack tests" with "source tests" for consistency throughout our regulations. Since we are not introducing a new term, a definition for source tests is not necessary. Therefore, the Department declines to withdraw, revise, and republish the proposed regulation.

++42. Comment: One commenter proposed stylistic changes in various sections of the existing regulations and standards.

Response: Although these suggestions have merit, they do not change the meaning of the existing regulation and we will forego making these changes at this time.

***43. Comment:** One commenter recommended that Source Tests be changed from R.61-62.1, Section V to R.61-62.1, Section IV since Section III is the last section in the existing regulation.

Response: The Department agrees and proposes to renumber Source Tests as R.61-62.1, Section IV.

++44. Comment: Two commenters expressed concern that the length of time required to approve test plans might impede operations at a batch process driven facility.

Response: The requirement to source test when a new product or alteration to an existing process is proposed is determined by the permit engineer on a case-by-case basis. Neither the start-up date of new or altered sources nor the ability to operate pending a demonstration of compliance are affected by test protocol review and approval.

++45 Comment: One commenter suggested that the 60 day exception provided for submittal of Standard No. 8 tests should be eliminated and that all test plans should be submitted 45 days prior to proposed source test dates.

Response: Source tests for substances listed in Standard No. 8 are usually very complex. Often there are no promulgated EPA Methods available for these substances and method development is required. Therefore, a longer review time is necessary for the Department to ensure that the methods developed are adequate.

++46. Comment: One commenter stated that field modifications to test plans are often needed and questioned whether Department observers would have authority to approve these modifications.

Response: Modifications to test plans can be made in the field by Department observers or, if no observers are present, by contacting the Department and getting verbal approval to make the modifications. Modifications made without Department approval will be assessed and test acceptance determined on a case-by-case basis.

++47. Comment: Four commenters suggested that a transition period be outlined in the regulation.

Response: The proposed amendments do not impose any requirements for additional source testing. The Department believes there is sufficient time prior to the effective date of this regulation for an owner or operator to prepare to meet the time lines of the proposed site-specific test plan.

++48. Comment: Five commenters suggested that the notification requirement be eliminated if site-specific test plans are required. Additionally, four commenters believe the regulation implies that source testing may not be conducted if the Department representative is not present.

Response: Test notifications provide the Department time to evaluate which source tests will be observed and schedule resources. The regulation allows testing to proceed with or without an observer provided all notifications have been submitted and site-specific test plan approval has been received.

++49. Comment: Four commenters suggested the regulation is more costly to implement than stated in the preamble. The commenter requested that the Department reevaluate the cost to facilities prior to proceeding with the regulation implementation.

Response: The cost estimates in the preamble were solicited from source test consultants. Although we recognize there is a margin for error, the Department believes these estimates are reasonable for most affected sources.

++50. Comment: Twelve commenters suggested the regulation applicability is too broad and should only apply to source tests required by permit or regulation or where an existing reference test method does not exist.

Response: Source tests are often conducted and submitted to the Department for emission factor development and other purposes. The quality, accuracy, and validity of the data generated from these tests are just as important to both the facility and the Department as data from required tests. Site specific test plans include critical information such as process operational parameters, sample times and volumes, and some QA/QC that is not required in existing reference methods. The Department disagrees that the scope is too broad and has left the text as proposed.

++51. Comment: Four commenters suggested the Department accept the National Council of Air and Stream Improvements (NCASI), Solid Waste-846, and National Institute of Occupational Safety and Health (NIOSH) methods without additional validation.

Response: The Department may approve alternative test methods provided acceptable proof of validation is submitted.

++52. Comment: Three commenters requested that Paragraph C.3 be qualified to state that the requested information be submitted, when applicable.

Response: The Department has added “when applicable” in paragraph C.3.g to avoid the submission of unnecessary data.

++53. Comment: Six commenters requested that the regulation allow facilities to refer to approved reference test methods in lieu of submittal of the information requested in paragraphs C.5 and C.7.

Response: If the sampling and analytical methods required in C.5.a and b are existing EPA reference methods, they may be incorporated by reference. Paragraph C.7.a states that citation of published QA/QC procedures is acceptable when applicable.

++54. Comment: Three commenters requested that paragraph D.6.f be deleted. Three commenters recommended the language be changed to “Equipment and supplies that are necessary for safe testing of a source”.

Response: The Department has substituted the proposed language.

++55. Comment: Two commenters requested that Standard #8 Section IV be deleted from the regulation.

Response: No additional testing requirements have been added. Citation of the new Section IV, Source Tests was added to clarify the requirements for the conduct of source tests.

++56. Comment: Eight commenters requested a language change to clarify that source tests can be conducted at rates other than worst case conditions.

Response: The regulation has been changed to allow for testing at rates other than worst case with Department approval.

++57. Comment: One commenter requested that paragraph G.1 be modified to allow for additional time for sources to determine corrective actions in the event of a non-compliance situation.

Response: It is appropriate to have a preliminary indication within 15 days of interim actions taken to minimize emissions, recognizing that final actions may be different as the situation becomes clearer.

++58. Comment: Two commenters suggested that the Department provide a standard form to be filled out rather than requiring the submittal of a test plan.

Response: The regulation requests the information that is necessary for review of a site-specific test plan but does not stipulate the format. The Department has no plans to develop a form at this time but will consider any format which includes all required information.

++59. Comment: Three commenters felt that the establishment of a deadline for plan submittals and notifications is unduly restrictive and consumes part of the time period allowed for testing by other regulations.

Response: Some regulations define a window to complete testing, especially initial testing of a new source after start-up. Many of these are Federal requirements and are fixed. Planning for testing should be an integral part of constructing and placing any source into operation. Preparation of a site-specific test plan

will help avoid hurried, unplanned testing. Notification of the planned test date is required only two weeks in advance. Flexibility in planning and implementing testing is therefore reduced by two weeks at most if testing is conducted near the end of the defined test period.

++60. Comment: Two commenters suggested that paragraph D.1. should be modified to clarify that it is acceptable to submit the written notification request to conduct source testing along with site-specific test plans.

Response: The language in paragraph D.1. does not prohibit the submittal of notification at the same time as the site-specific test plan.

++61. Comment: Two commenters suggested that paragraph D.2 should be modified to delete the time frames for telephone notification and the requirement for written follow-up.

Response: The Department believes that the notifications are necessary to prevent unnecessary travel and allocation of resources. Written notification provides documentation to the Department regarding causes of test cancellations.

++62. Comment: Four commenters suggested the provisions of paragraph D.4 concerning source tester's training and/or experience are too broad and subject to too much interpretation.

Response: The Department believes that source testing is a highly specialized field that requires a certain degree of familiarity, training and/or experience. While the level of this training is not currently defined, NELAC's proposed source testing accreditation program will address this issue.

++63. Comment: Two commenters suggested that paragraph E.2 should be modified to indicate that the owner or operator will only be obligated to analyze performance audit samples so long as the audit samples provided have relevance to the testing being performed.

Response: The Department provides only relevant audit samples.

++64. Comment: Two commenters suggested that the Department modify the language of paragraph F. to allow acceptance of test reports that do not include all the required data as an accurate representation of compliance status.

Response: The Department believes that all the data requested in the final test report are relevant for determining the compliance status of a source. The acceptance of source test reports with lost or missing information will be made on a case-by-case basis.

++65. Comment: Two commenters suggested that R.61-62.5, Standard No. 1, Section VI should be modified to include additional provisions to exempt sources that operate less than 1,000 hours per year.

Response: Currently there are provisions in place that allow exemptions from source testing requirements in R.61-62.5, Standard No. 1, Section VI for boilers that operate less than 1,081 hours per year.

++66. Comment: One commenter believes that the filing of yearly RATA and quarterly Linearity tests with EPA makes reporting to DHEC redundant and different in format.

Response: The Department has the responsibility to ensure that tests performed in the State are conducted properly; therefore this information must be submitted for review and approval. The formatting of the data required in the final report is flexible as long as the required information is provided.

++67. Comment: One commenter believes that DHEC will have to add substantial resources to meet and oversee the additional workload as a result of the regulation.

Response: The Department anticipates no additional staffing requirements or delays in approval of test plans as a result of this regulation.

++68. Comment: One commenter felt that testing required by a judicial or administrative order, a consent agreement, or other binding requirement prior to the effective date of the regulation should be exempt.

Response: The paragraph on applicability has been revised to address the concerns of the commenter.

++69. Comment: One commenter said that safety issues in paragraph C.4. fall under OSHA and safety should only be addressed when requesting a testing variance due to a particular safety issue.

Response: The Department believes paragraph C.4 is necessary to ensure safety of Department representatives in the conduct of their duties.

++70. Comment: One commenter requested that prior to this proposed regulation going into effect, DHEC issue clearly defined approval criteria for test plans.

Response : Paragraph C establishes minimum acceptable content for a test plan. The Department considers each test plan on its own merit. Because of the wide diversity of proposals, it is not practical to establish approval criteria.

++71. Comment: One commenter requested that process data required by paragraph C.3 which is already in the Department's file should not be required to be resubmitted.

Response: Many times process information contained in files does not address specifics required by this paragraph. The information required in paragraph C.3 is specific to the conditions under which source tests will be conducted and may be different from data on file.

++72. Comment: One commenter requested that the requirement in paragraph D.3 to obtain approval for a retest be changed to a requirement for notification.

Response: The Department has changed paragraph D.3 to read "Rescheduling of canceled source tests must meet the two week notification requirement. However, shorter notification periods may be allowed subject to Department approval".

++73. Comment: One commenter suggested that the regulation should be changed to clearly state that the Department will pay the costs for the analysis of split samples.

Response: Since the Department accepts responsibility for the cost of analyses of its portion of a split sample, no change to the regulation is necessary.

++74. Comment: One commenter suggested that the Department follow the same level of QA/QC in preparing audit samples as the owner/operators will have analyzing them. The commenter suggested a language change to paragraph E.2.

Response: While the level of QA/QC required in paragraph C.7 may not be applicable in all cases, the Department routinely performs prescribed QA/QC measures according to standard operating procedures when preparing samples.

++75. Comment: One commenter suggested the Department remove paragraph E.4 unless it clearly defines what constitutes a method audit success and failure, i.e. all split samples must be ± 30 of each other or the test is invalid.

Response: Performance audit samples are provided with clearly defined acceptable ranges. Split sample acceptable ranges are dependent upon the different analytical techniques used and will be provided to the facility when the request to split samples is made. Remedial actions resulting from failure to meet the split sample acceptability range would include identification and resolution of the problem and reanalysis of the samples.

***76. Comment:** One commenter suggested that paragraph E.4 should be modified to provide the Department discretion to determine an appropriate response to a split sample audit as well as to a performance audit if the sample analysis falls outside an acceptable range.

Response: The language of paragraph E.4 has been changed to include split sample audits.

++77. Comment: One commenter suggested the owner or operator should be allowed to review data collected during a test event and to determine which is relevant for demonstration of compliance in lieu of providing requested data in paragraph C.3.h.

Response: The purpose of the site-specific test plan is for the source to make these determinations prior to the test and eliminate the collection of unnecessary data.

++78. Comment: One commenter requested that the Department delete the identification of risks associated with source testing in paragraph C.4.a since it is their belief these requirements are addressed in paragraph D.6.

Response: The Department disagrees that these paragraphs are redundant. Paragraph C.4.a identifies any safety hazards that may be encountered during the observation of a source test, and D.6 requires the source to provide a safe environment for the conduct of the test.

++79. Comment: Three commenters suggested that the regulation imposes more stringent requirements than Federal or adjacent States' requirements. The commenter suggested that the Department reevaluate the proposed regulation and streamline the requirements.

Response: In its "white paper" in 1994 the State Chamber of Commerce recommended that the Department take the approach of reviewing test protocols and tester credentials as a way of streamlining requirements and providing greater flexibility. The proposed regulation specifies minimum acceptable content for the Department to be able to ensure the quality of a test.

++80. Comment: One commenter expressed concerned that an inadvertent omission of an element required in the site-specific test plan would subject them to enforcement action.

Response: The Department's primary focus is compliance with emission limits. Omissions from the site-specific test plan could cause the plan not to be approved until all the elements are provided.

ATTACHMENT E
October 24, 1997, State Register Notice of Proposed Regulation
for R.61-62.1, Section V, Source Tests
of 61-62 Air Pollution Control Regulations and Standards
Document No. 2244

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: S.C. Code Sections 48-1-30 through 48-1-60 *et seq.*

R.61-62. Air Pollution Control Regulations and Standards

Preamble:

The Department proposes to amend Regulation 61-62, Air Pollution Control Regulations and Standards, to establish, standardize and clarify source testing requirements for all affected source owners or operators and source testers. Currently there are no written regulations which govern site-specific source test plans. Source test requirements have been implemented through EPA and Department-issued guidance and policy. This amendment will specify requirements for a site-specific test plan which will include the following information: a discussion of the test objectives, accessibility and representativeness of sampling locations, process descriptions, sampling and analytical procedures, internal quality assurance/quality control methods, data reduction and reporting procedures, and safety considerations. Also, Regulation 61-62 will be amended to standardize current source test requirements by adding new Section IV, Source Tests, to Regulation 61-62.1, Definitions, Permit Requirements, and Emissions Inventory. Addition of Section IV will require affected source owners or operators to develop site-specific test plans to be submitted for Department approval prior to conducting source tests. The proposed amendments will also standardize existing source test requirements for the conduct of source tests in Regulation 61-62. Additionally, the title of R.62.1, "Definitions, Permit Requirements and Emissions Inventory," will be changed to "Definitions and General Requirements." See Discussion of Proposed Revisions below and the Statement of Need and Reasonableness herein.

A Notice of Drafting for this proposed amendment was published in the State Register on April 25, 1997.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public to attend a staff-conducted informational forum to be held on Monday, November 24, 1997, at 2:30 p.m. on the fourth floor of the Sims Building in Room 4011 at the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201.

Interested persons are also provided an opportunity to submit written comments to Barbara Lewis at South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, S.C. 29201. Written comments must be received no later than 4:00 p.m. Monday, November 24, 1997. Comments received by the deadline will be submitted to the Board in a Summary of Public Comments and Department Responses.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Barbara

Lewis at South Carolina Department of Health and Environmental Control, Bureau of Air Quality, Air Programs Section, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 734-4499.

Notice of Board Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-111:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 11, 1997, to be held in Room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Barbara Lewis at South Carolina Department of Health and Environmental Control, Bureau of Air Quality, Air Programs Section, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 4:00 p.m. on November 24, 1997. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 11, 1997, as noticed above. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions. The proposed regulation will result in more efficient use of Department resources. There will be an added cost for some members of the regulated community who are not presently required to prepare a site-specific source test plan. The major benefits include the consistency of requirements for all sources who perform source tests, the standardization of requirements into a section for ease of use and understanding, and the source testing flexibility afforded the regulated community through the use of a site-specific test plan.

Statement of Need and Reasonableness:

The text of the Statement of Need and Reasonableness is submitted as Attachment A and is omitted here to conserve space.

Text of Proposed Amendment:

The text of the proposed regulation revisions is submitted as Attachments C and is omitted here to conserve space.

ATTACHMENT F

April 25, 1997, Drafting Notice for
Regulation 61-62.1, Definitions, Permit Requirements and Emissions
Inventory, of 61-62 Air Pollution Control Regulations And Standards

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-62, Air Pollution Control Regulations and Standards. Interested persons may submit their views by writing to Barbara Lewis, Air Programs Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 pm on Tuesday, May 27, 1997, the close of the drafting period.

Synopsis:

The Department proposes to amend Regulation 61-62.1 by adding a new Section V, Compliance Source Testing Requirements. Currently there are no written standards governing source tests. Source test requirements have been implemented through Department-issued guidance and policy. The proposed amendments will establish, standardize and clarify source testing requirements for all affected source owners/operators and source testers.

Proposed amendments under consideration include consolidation of existing source test requirements in Regulation 61-62, and addition of new requirements for affected sources to develop site-specific test plans to be submitted to and approved by the Department prior to any source test being performed. Requirements for a site-specific test plan may include, as a minimum, the following information: a detailed discussion of the test objectives, accessibility and representativeness of sampling locations, process descriptions, in-house testing protocol, all sampling and analytical procedures, internal quality assurance/quality control, data reduction and reporting procedures, and safety considerations. Proposed amendments may also include requirements for Department certification of source testers. Legislative review will be required.

END OF ATTACHMENTS

ADDENDUM
Regulation 61-62.1, Section IV, Source Tests
December 11, 1997.

Attachment B, add:

- | | |
|---------------------------|--|
| 61-62.1, Section IV.A.1.b | Language is added to clarify that Relative Accuracy Test Audit (RATA) testing and continuous emission monitor (CEM's) performance specification testing are subject to the regulation but that Linearity Tests are not. Deleted the words "site-specific" pertaining to emission factors. |
| 61-62.1, Section IV.A.2. | Language added to allow for an exemption for development of emission factors and for determination of applicability of regulations. |
| 61-62.1, Section D.2 | Language added to clarify what information is required when a source test is not performed as notified. Changed the word "immediately" to "as soon as practical". |
| 61-62.1, Section F.2.a-s | Adds "when applicable" to clarify when information requested in F.2.a-s is required to be submitted. Deletes "if applicable" in F.2.d. Changes "will be" to "were" in F.2.f. Replace the word "official" with "representative", and delete "certifying" and " was present during the source test and " in F.2.i. |

Attachment C, Replace Number 2.A. Applicability to read:

A. Applicability.

1. This Section shall apply to the owner or operator of any source which conducts:

a1. a source test required under an applicable standard or permit condition; or pursuant to a judicial or administrative order, consent agreement, or any other such binding requirement entered into after the effective date of this standard, or

b2. any other source test from which data will be submitted to the Department for any purpose including but not limited to: determination of applicability of regulatory requirements, development of ~~site-specific~~ emission factors, establishment of parameters for compliance assurance monitoring, continuous emission monitor performance specification testing, and Relative Accuracy Test Audits (RATA).

2. The Department may, on a case-by-case basis, exempt from the requirements of this Section source tests which are performed for development of emission factors or for determination of applicability of regulations.

Attachment C, Replace Number 2.D.2. to read:

2. In the event the owner or operator is unable to conduct the source test on the date specified in the notification, the owner or operator shall notify the Department ~~immediately~~ as soon as practical by telephone

and follow up in writing within 30 days. Telephone notification shall include a description of the circumstance(s) causing the cancellation of the test, and a projected retest date. The written follow-up report shall ~~provide~~include a ~~detailed~~ description of the condition(s) which prevented the source test from being conducted, and when applicable, what corrective action was performed, ~~and~~or what equipment repairs were required.

Attachment C, Replace Number 2.F.2.i. to read:

i. Signature of a responsible facility ~~official~~ representative who ~~was present during the source test and~~ can verify process operating rates and parameters.

Attachment D, The following Department responses have been revised due to comments received after the staff-conducted informational forum but prior to the public hearing:

+, ++7. Comment: Four commenters suggested that in-house source testing for compliance be exempted from regulation. Commenter states that the credible evidence rule makes in-house conducted source tests valid.

Response: If a facility conducts testing for internal, informational purposes only and does not intend to submit the results to the Department, it will not be required to submit a site-specific test plan. A test plan will be required only for purposes such as required compliance demonstrations, establishment of parameters for compliance assurance monitoring, continuous emission monitor performance specification testing, or Relative Accuracy Test Audit (RATA).

++15. Comment: Two commenters questioned whether the provisions of the regulation were applicable to Relative Accuracy Test Audit (RATA) and Linearity Tests.

Response: RATAs are emission tests conducted to verify the accuracy of continuous emission monitoring systems and are subject to this regulation. Linearity and flow tests required by 40 CFR Part 75 (Acid Rain) are not emission tests and would not be subject. Paragraph A.2 has been amended by adding continuous emissions monitor performance specification testing, and RATA tests in the description of applicable tests.

++30. Comment: Five commenters questioned paragraph F.2.i as to whose signature is being requested by the term "responsible facility official" and if that person must be present during testing since process operations can be verified from facility records.

Response: The term "responsible facility official" means a person who can verify that those process operating rates and parameters included in the final source test report are correct (for example, the process operator). The word "official" is being replaced with "representative". The word "certifying" is being replaced to read "can verify...", and the phrase "was present during the source test and" is being deleted.

++50. Comment: Twelve commenters suggested the regulation applicability is too broad and should only apply to source tests required by permit or regulation or where an existing reference test method does not exist.

Response: Source tests are often conducted and submitted to the Department for emission factor development and other purposes. The quality, accuracy, and validity of the data generated from these tests are just as important to both the facility and the Department as data from required tests. Site specific test plans include critical information such as process operational parameters, sample times and volumes, and some QA/QC that is not required in existing reference methods. Although the Department strongly recommends the submission and approval of site-specific test plans for all source tests, language has been added to the applicability section

to allow for an exemption, on a case-by-case basis, for source tests which are performed for development of emission factors or for determination of applicability of regulations.

Attachment D, Add new comment and Department response received after the staff-conducted informational forum but prior to the public hearing:

++81. Comment: One commenter requested that the word "immediately" in paragraph D.2 be changed to read "as soon as practical".

Response: This change has been made.

ATTACHMENT 2

Minutes of the Board Meeting
December 11, 1997



2600 Bull Street
Columbia, SC 29201-1708

COMMISSIONER:
Douglas E. Bryant

BOARD:
John H. Burriss
Chairman

William M. Hull, Jr., MD
Vice Chairman

Roger Leaks, Jr.
Secretary

Richard E. Jabbour, DDS

Cyndi C. Mosteller

Brian K. Smith

Rodney L. Grandy

**Minutes of
Board of Health and Environmental Control
December 11, 1997**

The Board of Health and Environmental Control met on Thursday,
December 11, 1997, at 10:00 a.m. in the DHEC Board Room, 2600 Bull Street,
Columbia. (Attachment 0-1)

The following members were present:

John H. Burriss, Chairman
Columbia

William M. Hull, Jr., MD, Vice Chairman
Rock Hill

Cyndi Mosteller
Charleston

Brian Smith
Columbia

Rodney Grandy
Aiken

Mark Kent
Greenville

Also in attendance were Douglas E. Bryant, Commissioner, and guests. (Attachment 0-2)

Mr. Burriss called the meeting to order and welcomed everyone.

The invocation was given by Ms. Mosteller.

Mr. Carl Roberts, General Counsel, stated "notice of this meeting has been provided to all persons, organizations and news media which have requested notification as required by section 30-4-80 (e) of the South Carolina Code of Laws".

Chairman Burriss announced that Agenda Items #6 would be canceled since the Member of the Board that requested it was not present.

Item 1: Consideration of November 13, 1997, Board Minutes (Attachment 1-1)

Ms. Mosteller requested a correction to the minutes as follows: the motion on page 6, item 12, be amended to read "to approve the proposed regulation with amendments made by the Board (Attachment 12-5) for submission to the legislature for review". The correction was made by the Clerk of the Board to the November 13, 1997, Minutes.

Ms. Mosteller moved, seconded by Mr. Smith, to approve the minutes with the stated correction. Approved

Item 2: Recognition of December 1997 Employees of the Month - For Information

Mr. Bryant recognized the following Employees of the Month for December: (Attachment 2-1)

Commissioner's Office - Scott Johnson, Division of Communication Resources;
Health Services - Donald Whiteley, Division of Emergency Medical Services;
Environmental Quality Control - Colton Bowles, Bureau of Water.

Mr. Burriss congratulated all of the employees on behalf of the Board.

Item 3: Issuance of Administrative and Consent Orders by Environmental Quality Control (October 16, 1997, through November 15, 1997) - For Information (Attachment 3-1)

Mr. Bob King, Assistant Deputy Commissioner for EQC, presented this item to the Board. Mr. King reported twenty-eight (28) Orders with assessed penalties of \$119,010.

After discussion, *the Board accepted this item as information.*

Item 4: Issuance of Administrative and Consent Orders by the Bureau of Underground Storage Tank Management (October 16, 1997, through November 15, 1997) - For Information (Attachment 4-1)

Mr. Stan Clark, Director, Bureau of Underground Storage Tank Management, presented this item to the Board. Mr. Clark reported for this time period the Bureau issued thirty-nine (39) Orders with total assessed penalties of \$19,400.

The Board accepted this item as information.

Item 5: Issuance of Administrative and Consent Orders by Health Services (October 16, 1997, through November 15, 1997) - For Information (Attachment 5-1)

Mr. Dennis Gibbs, Acting Director, Division of Health Licensing, presented this item to the Board. Mr. Gibbs reported that Health Services had issued one (1) Order with assessed penalties of \$2,000.

The Board accepted this item as information.

Item 7: Proposed Amendment of R.61-30, Environmental Protection Fees, Legislative Review Required - For Initial Approval (Attachment 7-1)

Mr. Mike Rowe, Director, Division of Research and Planning, presented this item to the Board. Mr. Rowe stated the Environmental Protection Fund Act of 1993 authorizes the Department to charge fees for environmental programs it administers pursuant to federal and state law and regulations. This Regulation prescribes those fees applicable to applicants and holders of permits, licenses, certificates, certifications, permits and establishes schedules for timely action on permit applications. This Regulation also establishes procedures for the payment of fees, provides for the assessment of penalties for nonpayment, and establishes an appeals process to contest the calculation of applicability of fees.

The Board expressed concern that this action may add an unfair burden on business and industry and wanted to clarify that this wasn't a revenue producing measure.

Dr. Hull moved, seconded by Ms. Mosteller, to grant initial approval to publish a Notice of Proposed Regulation in the State Register to provide opportunity for public

comment, to conduct a staff informational forum to receive and consider comments, and allow staff to proceed with a public hearing before the Board. Approved.

Item 8: PUBLIC HEARING & FINAL APPROVAL - Proposed Amendment of Regulation 61-62.5, Standard No. 8, Toxic Air Pollutants of the 61-62 Air Pollution Control Regulations and Standards, Legislative Review Required (Attachment 8-1)

Mr. Jim Joy, Bureau Chief, Bureau of Air Quality presented this item to the Board. Mr. Joy stated the department proposes to amend R.61-62.5, Standard No. 8, Toxic Air Pollutants, of the 61-62 Air Pollution Control Regulations and Standards to clarify requirements for all affected source owners or operators as follows: 1) clarification of the requirement to submit emissions data or to perform air dispersion modeling will be provided; 2) clarification of when the Department will perform modeling for a facility will be provided; 3) certain chemicals will be shifted to different toxicity categories or removed from the list; the structure of the tables containing the chemicals will be revised to make the tables easier to read; names and Chemical Abstract Services (CAS) numbers for certain chemicals contained in the standard will be clarified, and 4) facilities that emit chemicals subject to a Federal Maximum Achievable Control Technology (MACT) standard will be allowed to be exempt from Standard No. 8 for these specific chemicals.

The following people made comments at the public hearing: Rodney Kutz, SC Chamber Technical Committee; Mary Kelly, LWVSC; Alison Bell; Deborah McElveen, SC Manufacturers Alliance; Pat Cannon, PURE; Ruth Thomas, Environmentalists Inc.; and Dr. Edmund Taylor (Attachment 8-2). Dr. John Brown, State Toxicologist, responded to questions from the Board. Written comments and handouts from the participants in the public hearing are included (Attachment 8-3).

Dr. Hull moved, seconded by Mr. Smith, to approve the proposed amendment for submission to the Legislature for review. Approved

A verbatim transcript of these proceedings is included as part of the permanent record. (Attachment 8-4)

Item 9: PUBLIC HEARING & FINAL APPROVAL - Proposed Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards, Source Tests, State Register Document No. 2244 - Legislative Review Required (Attachment 9-1)

Mr. Dick Sharpe, Director, Division of Air Compliance Management, Bureau of Air Quality, presented this item to the Board. Mr. Sharpe stated the Department proposes to amend Regulation 61-62, Air Pollution Control Regulations and Standards, Source Tests, to establish, standardize and clarify source testing requirements for all affected source owners or operators and source testers. The proposed amendments will also require affected source owners or operators to develop site-specific tests plans to be submitted for Department approval prior to conducting source tests. Mr. Sharpe also provided the Board with an addendum to Regulation 61-62.1, Section IV, Source Tests (Attachment 9-2) which further clarifies the regulation.

Mr. Rodney Kutz, Englehard Corp., spoke at the public hearing (Attachment 9-3).

Mr. Grandy moved, seconded by Ms. Mosteller, to approve the proposed amendment with addendum (Attachment 9-2) for submission to the Legislature for review. Approved

Mr. Kent asked that staff report to the Board on the timeliness of review of site specific source test plans. Mr. Lewis Shaw, Deputy Commissioner for Environmental Quality Control, agreed that staff would report back to the Board.

A verbatim transcript of the proceedings is included as part of the permanent record.
(Attachment 9-4)

Item 10: PUBLIC HEARING & FINAL APPROVAL - Proposed Amendment of Regulations 61-62, Air Pollution Control Standards and Regulations and the South Carolina Air Quality Implementation Plan - State Register Document No. 2246 (Attachment 10-1)

Mrs. Renee Shealy, Division of Program Development and Support, Bureau of Air Quality, presented this item to the Board. Mrs. Shealy reported the Department proposes to amend the regulation by revising Regulation 62.5 Standard 3, Waste Combustion and Reduction, to include a reference to the Emission Guidelines and Compliance Schedules for Municipal Waste Combustors. The amendment is being made to comply with federal requirements.

Ms. Mosteller moved, seconded by Mr. Kent, to approve the proposed regulation and revision to the South Carolina Air Quality Implementation Plan for publication as final in the State Register. Approved

A verbatim transcript of these proceedings are included as part of the permanent record (Attachment 10-3).

Item 11: PUBLIC HEARING & FINAL APPROVAL - Proposed Amendment of Regulation 61-68, Water Classifications and Standards, State Register Document No. 2218, Legislative Review Required (Attachment 11-1)

Ms. Sally Knowles, Director, Division of Water Quality, Bureau of Water, presented this item to the Board. Ms. Knowles stated the regulation establishes appropriate classified water uses to be achieved and protected, general rules and specific water quality criteria to protect classified and existing water uses of the State and to protect the public health and welfare and maintain and enhance water quality. Ms. Knowles provided the Board with a substitute for page 8 in the Board package (Attachment 11-2) which further clarifies the regulation and was a result of comments received after printing of the Board package. Ms. Deborah McElveen, SC Manufacturers Alliance, and Anthony Maglione, Applied Technology & Management, Inc., spoke at the public hearing (Attachment 11-3).

Mr. Kent moved, seconded by Dr. Hull, to approve the proposed regulation including the substitute of page 8 (Attachment 11-3) for submission to the legislature for review. Approved

A verbatim transcript of these proceedings are included as part of the permanent record (Attachment 11-4).

Item 12: PUBLIC HEARING & FINAL APPROVAL - Proposed Amendment of Regulation 61-19, Vital Records, Section 43, Fees, State Register Document No. 2247, Legislative Review Required (Attachment 12-1)

Ms. JoAnn Gooding, Director, Division of Vital Records, presented the item to the Board. Ms. Gooding reported the information received by the Board had inadvertently had a page left out

during electronic transmission. She provided the Board with another copy (Attachment 12-2). Ms. Gooding stated that the Department of Health and Environmental Control is charged by the General Assembly with protecting the public health and environment consistent with the welfare of the citizens of the State, ensuring an adequate system for the registration and certification of births, deaths, marriages and divorces through the establishment of a bureau of vital statistics. Proviso 39.38 of the FY 91-92 Appropriation Act established fees and has remained in effect since July 1991. The Department sought a fee increase by requesting a revision of the vital records fee proviso in the proposed 1997-1998 Appropriation Act. The General Assembly approved the fee increase in June 1997. Governor Beasley vetoed the lines relating to the proposed fee increase in his line item vetoes. On June 25, 1997, the Board of Health and Environmental Control issued an emergency regulation to reinstate the fees. The Department is proposing this amendment to increase the fees through the regulatory process. There was no one present to speak at the public hearing (Attachment 12-3).

Mr. Grandy moved, seconded by Mr. Kent, to approve the proposed regulation for submission to the legislature for review. Approved

A verbatim transcript of these proceedings is included as part of the permanent record (Attachment 12-4).

Item 17: Agency Affairs - For Information

Commissioner Bryant provided the Board with a list of the proposed meeting dates for 1998. The Board gave verbal approval on the meeting schedule, which remains on the second Thursday of each month. Mr. Bryant then gave a presentation describing the reorganization of the agency.

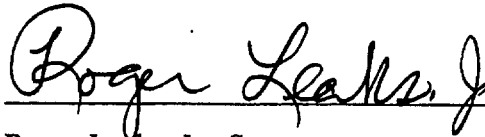
Item 18: Legal Report - For Information

Mr. Roberts updated the Board on legal issues.

Mr. Kent moved, seconded by Dr. Hull, to adjourn. Approved

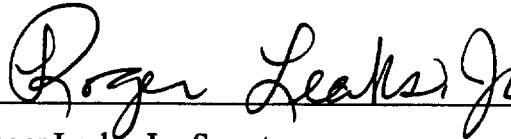
All referenced attachments are made a permanent part of these minutes.

Respectfully submitted,



Roger Leaks, Jr., Secretary

Minutes approved this 8th day of January 1998.



Roger Leaks, Jr., Secretary

ATTEST:



John H. Burriss, Chairman

List of Attachments

- 0-1 Agenda
- 0-2 Sign-in Sheet
- 1-1 November 13, 1997, Board Minutes
- 2-1 December 1997 Employees of the Month
- 3-1 Administrative and Consent Orders by Environmental Quality Control (10/16/97 - 11/15/97)
- 4-1 Administrative and Consent Orders by UST Management (10/16/97 - 11/15/97)
- 5-1 Administrative and Consent Orders by Health Services (10/16/97 - 11/15/97)
- 7-1 Proposed Amendment of R.61-30, Environmental Protection Fees
- 8-1 **PUBLIC HEARING & FINAL APPROVAL** Proposed New Amendment of Regulation 61-62.5, Standard No. 8, Toxic Air Pollutants of the 61-62 Air Pollution Control Regulations and Standards,
- 8-2 Sign -in Sheet for Public Hearing
- 8-3 Written comments from Public Hearing
- 8-4 Verbatim transcript of Public Hearing
- 9-1 **PUBLIC HEARING & FINAL APPROVAL** Proposed Amendment of Regulation 61-62, Air Pollution Control Regulations and Standards
- 9-2 Addendum to Regulation 61-62.1, Section IV, Source Tests
- 9-3 Sign -in Sheet for Public Hearing
- 9-4 Verbatim transcript of Public Hearing
- 10-1 **PUBLIC HEARING & FINAL APPROVAL** - Proposed Amendment of Regulation 61-62, Air Pollution Control Standards and Regulations and the South Carolina Air Quality Implementation Plan
- 10-2 Sign-in Sheets for Public Hearing
- 10-3 Verbatim transcript of Public Hearing
- 11-1 **PUBLIC HEARING & FINAL APPROVAL** - Proposed Amendment of Regulation 61-68, Water Classifications and Standards
- 11-2 Substitute page in Board Package
- 11-3 Sign-in sheet for Public Hearing
- 11-4 Verbatim transcript of Public Hearing
- 12-1 **PUBLIC HEARING & FINAL APPROVAL** - Proposed Amendment of Regulation 61-19, Vital Records, Section 43, Fees
- 12-2 Text of Amendment included page inadvertently left out of Board package
- 12-3 Sign-in sheet for Public Hearing
- 12-4 Verbatim transcript of Public Hearing
- 13-1 Proposed Board of Health and Environmental Control Meeting Dates for 1998
- 13-2 DHEC Organization Chart

BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

SUMMARY SHEET

December 11, 1997

(X) ACTION

() INFORMATION

I. TITLE: Public Hearing Before the Board and Consideration for Final Approval
Proposed Amendment of 61-62, Air Pollution Control Regulations and
Standards, Source Tests
State Register Document No. 2244
Legislative Review is Required

II. SUBJECT: Request for finding of Need and Reasonableness Pursuant to S.C. Code
Section 1-23-111.

III. FACTS:

1. Currently there are no written regulations which govern site-specific source test plans. Source test requirements have been implemented through EPA and Department-issued guidance and policy.

2. Pursuant to S.C. Code Section 48-1-30 through 48-1-60, the Department proposes to amend Regulation 61-62, Air Pollution Control Regulations and Standards, to establish, standardize and clarify source testing requirements for all affected source owners or operators and source testers. The proposed amendments will also require affected source owners or operators to develop site-specific test plans to be submitted for Department approval prior to conducting source tests. This amendment will specify requirements for a site-specific test plan which will include the following information: a discussion of the test objectives, accessibility and representativeness of sampling locations, process descriptions, sampling and analytical procedures, internal quality assurance/quality control methods, data reduction and reporting procedures, and safety considerations. The proposed amendment will standardize current source test requirements by adding a new Section IV, Source Tests, to Regulation 61-62.1, Definitions, Permit Requirements, and Emissions Inventory. Additionally, the title of R.62.1, "Definitions, Permit Requirements and Emissions Inventory," will be changed to "Definitions and General Requirements." Currently this title includes the names of all sections contained in the regulation. The title change to "Definitions and General Requirements" will identify more clearly that the regulation contains many general provisions.

3. A Summary of Revisions and Text of Proposed Amendment are submitted as Attachments B and C.

4. A Notice of Drafting initiating the statutory process for this amendment was published in the State Register on April 25, 1997. The drafting comment period ended May 27, 1997. A copy of the Drafting Notice is submitted as Attachment F. The Department received 33 written comments from seven members of the regulated community during the drafting comment period. All comments received from the drafting comment period were considered in preparing the proposal for public notice. A Summary of Public

Comments and Department Responses is submitted as Attachment D.

5. The proposed amendment to Regulation 61-62 has been reviewed by all appropriate staff.
6. On October 9, 1997, the Board approved public notice for the proposed regulation and a staff conducted informational forum. The proposed Source Tests regulation was published in the *State Register* on October 24, 1997. A copy of the Notice of Proposed Regulation is submitted as Attachment E. The staff informational forum was conducted on November 24, 1997. A transcript of the staff forum was taken by a verbatim court reporter and will be maintained as a part of the official record.
7. Three stakeholders meetings were held with approximately 14 members of the regulated community. Many issues were brought forth for discussion and resolved during these meetings. In addition, copies of the proposed regulation were mailed to approximately 590 interested individuals, industrial facilities, and consultants.
8. The Department received approximately 200 written and oral comments from members of the regulated community during the drafting and proposed regulation comment periods. All comments received were considered in drafting the proposed amendments before the Board. A Summary of Public Comments and Department Responses is submitted as Attachment D.
9. Department staff are requesting a finding of need and reasonableness by the Board. If approved, the proposed amendment to Regulation 61-62 will be forwarded to the Legislature for review.

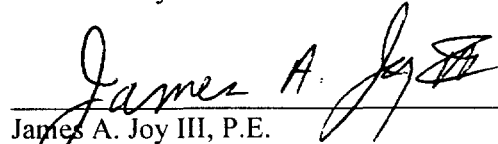
IV. ANALYSIS:

1. A source test is a method of measuring pollutants being emitted to the atmosphere from process or air pollution control equipment vents, ducts or stacks. Source tests are conducted to determine emissions for such pollutants as particulate matter, trace metals, acids, and organic and toxic materials. Source testing results provide source owners and operators information on control device efficiency and data for design of new process and control equipment. Source testing provides data which the Department and the EPA may use to evaluate compliance and formulate control strategies.
2. The proposed amendments will establish, standardize and clarify source testing requirements for all affected source owners or operators and source testers. Reviewing and approving the site-specific test plan gives the Department an opportunity to identify and address any deficiencies prior to testing and will ensure that source testers use prescribed and approved methods and procedures during testing. Prior approval of source test plans will minimize the number of retests which must be performed due to test deficiencies. Owners or operators of sources with approved site-specific test plans will have more flexibility in conducting source tests, since Department representatives may elect not to be present to observe each test.
3. See Statement of Need and Reasonableness submitted as Attachment A.

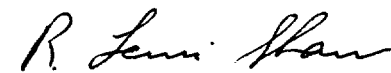
IV. RECOMMENDATION:

Department staff recommend that based upon the public hearing and attached information, that the Board find for the need and reasonableness of the proposed amendment and approve it for submission to the Legislature for review.

Submitted by:


James A. Joy III, P.E.
Chief
Bureau of Air Quality

Approved by:


R. Lewis Shaw, P.E.
Deputy Commissioner
Environmental Quality Control

Attachments:

- A. Statement of Need and Reasonableness
- B. Summary of Revisions
- C. Text of Proposed Amendment
- D. Public Comments & Department Responses
- E. State Register Notice of Proposed Regulation published October 24, 1997
- F. State Register Notice of Drafting published April 25, 1997

ATTACHMENT A
Statement of Need and Reasonableness
Regulation 61-62, Air Pollution Control Regulations and Standards
November 26, 1997

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

Description of Regulation:

Purpose: The proposed amendments will establish, standardize and clarify source testing requirements for all affected source owners or operators and source testers.

Legal Authority: The legal authority for the Regulation 61-62 is Section 48-1-30 through 48-1-60, S.C. Code of Laws.

Plan for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed amendments will be implemented by providing the regulated community with copies of the amendment to the regulation and by staff-conducted training sessions.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The current regulatory requirements for source testing are included in various sections of several regulations and standards in Regulation 61-62, *Air Pollution Control Regulations and Standards*. The title of Regulation 61-62.1 will be changed from *Definitions, Permit Requirements, and Emissions Inventory* to *Definitions and General Requirements*. Currently there are no written regulations which govern site-specific source test plans, and source test requirements are implemented through Department-issued guidance and policy. The proposed amendments will establish, standardize and clarify source testing requirements for source owners or operators and source testers. Reviewing and approving a site-specific source test plan will give the Department an opportunity to identify and address any deficiencies prior to testing and will ensure that sources and source testers use prescribed and approved methods and procedures during testing. Under existing requirements, facility owners or operators must coordinate source testing schedules to ensure that a Department representative can observe every source test performed. Owners and operators of sources with approved site-specific test plans will have more flexibility in conducting source tests, since Department representatives may elect not to be present to observe each test.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased costs to the State or its political subdivisions. The proposed regulation will result in more efficient use of Department resources. There will be an added cost for some members of the regulated community who are not presently required to prepare a site-specific source test plan. The major benefits include the consistency of requirements for all sources which perform source tests, the standardization of requirements into a single section for ease of use and understanding, and the source testing flexibility afforded the regulated community through the use of an approved site-specific source test plan. The proposed regulation will result in more efficient use of Department resources through expeditious

reviews of source test reports and by reducing the need to observe all source tests. Another benefit is a reduction in the number of retests required because of improper test method utilization and unrepresentative source operating parameters.

External Cost:

Current Bureau of Air Quality guidelines require that facilities conducting complex source tests for pollutants listed in Regulation 61-62.5, Standard Number 8, submit test plans prior to conducting source tests. These facilities should not be affected by the proposed regulation. Other affected facilities should expect an increase in the cost of source tests because of the additional costs associated with the preparation of site-specific test plans. Facilities with multiple sources can consolidate many of their tests into one site-specific test plan for substantial overall savings. Average projected additional annual costs are \$400 for single source facilities and \$821 for multiple source facilities. These projections are based on source tests conducted in calendar years 1995-1996.

UNCERTAINTIES OF ESTIMATES:

The cost of site-specific test plan preparation has been estimated based on fee information furnished by several source testing firms. Uncertainty of total costs of implementing this regulation are affected by the variability of costs from different source testing firms, the ability of facilities to consolidate tests and final consolidation costs at multiple source facilities. The uncertainties of the projected estimated costs to the regulated community include considerations such as the number of sources and emission points being tested.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These amendments will clarify source test requirements and be consistent with current State and Federal requirements. The proposed amendments will provide a better means for quantifying air emissions to the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

If this regulation is not promulgated, source test procedures will remain inconsistent, unacceptable source test methods may be used, and there will be less certainty about actual air emissions to the environment.

ATTACHMENT B
Summary of Proposed Revisions
of R.61-62, Air Pollution Control
Regulations and Standards
November 26, 1997

An asterisk (*) represents changes made pursuant to comments received from the Staff Informational Forum and the public comment write-in period as published in the State Register as Document No. 2244, on October 24, 1997, and prior to the public hearing before the Board.

SECTION CITATION

CHANGE:

61-62.1	The title of the regulation is changed to "Definitions and General Requirements." Currently this title includes the names of all of the sections contained in the regulation. The title change to Definitions and General Requirements will identify more clearly that the regulation contains many general provisions.
61-62.1, Section IV.	New section with requirements for source testing is being added.
* 61-62.1, Section IV.A.1	Language is being added as a result of a comment to clarify applicability.
* 61-62.1, Section IV.A.2	Language is being added to clarify that Relative Accuracy Test Audit (RATA) testing and continuous emissions monitoring (CEM's) are subject to the regulation but that Linearity Tests are not.
* 61-62.1, Section IV.B.1.a.& Section IV.B.5.a.&b.	Language is being added to clarify submittal requirements for owners or operators with previously approved site-specific test plans.
61-62.1, Section IV, C.4.a	The words "all potential associated risk..." are replaced with "any risk associated..."
61-62.1, Section IV.6.c	The words "when applicable" are added to clarify requirement.
* 61-62.1, Section C.8.b&c	Language added to requirement to clarify the information being requested.
61-62.1, Section D.1	Language added to clarify that this requirement is also applicable to a previously approved test plan submittal.
* 61-62.1, Section D.2	Language added to clarify what information is required when a source test is not performed as notified.
*61-62.1, Section D.3	Language is being added in response to a comment to clarify the intent of the requirement.

* 61-62.1, Section D.6.c&d	The word “platforms” is replaced with “sites”.
* 61-62.1, Section D.6.f	Language is being added in response to a comment to clarify the intent of the requirement.
* 61-62.1, Section E.4	Deletes the word “sole”.
* 61-62.1, Section F.2.a-s	Adds “when applicable” to clarify when information requested in F.2.a-s is required to be submitted. Deletes “if applicable” in F.2.d. Changes “will be” to “were” in F.2.f. Replaces the word “official” with “representative who is present and can verify”, and deletes the word “certifying” in F.2.i.
61-62.1, Section G.	Changes the word “of” to “after” to clarify introductory paragraph.
* 61-62.1, Section G.2	Deletes item G.2 and rennumbers entire paragraph.
* 61-62.1, Section H.	Adds language to clarify that requirement is also applicable to source test consultants.
61-62.1, Section II.G.4.(d)	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 1, Section VI	The existing introductory text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 1, Section VII	The existing text of Section VII is being revised and moved to the proposed source test regulation, 61-62.1, Section IV, Source Tests. Section VII will be reserved for future use.
61-62.5, Standard No. 3, Section VIII.A.	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 3, Section IX	The existing text of Section IX is being revised and moved to the proposed source test regulation, 61-62.1, Section IV, Source Tests. Section IX will be reserved for future use.
61-62.5, Standard No. 3.1, Section VI, Part A, Items 1 through 5	The word “stack” is being replaced with “source” in items 1, 2, 3 and 5. The word “facility” is being changed to “incinerator” in item 2. The text in item 3 is being changed to reference the new source test section. In item 5 the acronym “BAQC” is being replaced with the word “Department” for consistency.
61-62.5, Standard No. 3.1,	The existing text of Section IX is being revised and moved to the

Section IX	proposed source test regulation, 61-62.1, Section IV, Source Tests. Section IX will be reserved for future use.
61-62.5, Standard 3.1, Section X.C	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section. The words “stack sampling” are being replaced with the words “source tests” for consistency.
61-62.5, Standard No. 4, Section XII.A	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section. The introductory text of Section XII.A will be changed.
61-62.5, Standard No. 4, Section XII.A.5	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section. Text from R.62.5, Standard 4, Section XIII.A pertaining to asphalt plants is being moved to be included in item 5.
61-62.5, Standard No. 4, Section XII.B	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 4, Section XIII	The text of Section XIII, except for text addressing asphalt plants, will be revised and moved to the proposed R.61-62.1, Section IV, Source Tests. The text addressing asphalt plants will be moved to Section XII of Standard No. 4, and Section XIII will be reserved for future use.
61-62.5, Standard 5, Section I, Part E	The existing introductory text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard 5, Section I, Part E.2.b	The word “stack” is being changed to “source” for clarification and consistency.
61-62.5, Standard 5, Section I, Part E.4	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard 5, Section I, Part E, Items 5 through 12	The existing text of items 5 through 12 will be deleted since it is identical to text which has already been revised and moved to the proposed source test section.
61-62.5, Standard 5.1, Section III	The existing introductory text is being revised to specify who is responsible for ensuring source tests are performed and to provide a

requirement for complying with the proposed source test section.

61-62.5, Standard 5.1,
Section III.A.3

The word “stack” is being changed to “source” for clarification and consistency.

61-62.5, Standard 5.1,
Section III.B.2

The word “stack” is being changed to “source” for clarification and consistency.

61-62.5, Standard 5.1,
Section III. Parts D and L

The existing text of items D through L will be deleted since it is identical to text which has already been revised and moved to the proposed source test section.

61-62.5, Standard
No. 8, Section IV

The existing introductory text is being revised to specify who is responsible for ensuring source tests are performed, and to provide a requirement for compliance with the proposed source test section.

ATTACHMENT C
Text of Proposed Amendment of R.61-62
Air Pollution Control Regulations and Standards
November 26, 1997

LEGEND:

Redline text = new text.

~~Strikeout text~~ = text being deleted

Underlined text = existing text being moved.

Redline and Underline = existing text being revised.

1. The title of sub-regulation 61-62.1 will be revised:

61-62.1, *Definitions and General Requirements*~~Definitions, Permit Requirements and Emissions Inventory~~

2. New Section IV, Source Tests, will be added to Sub-regulation 61-62.1:

61-62.1 Section IV - Source Tests

A. Applicability.

This Section shall apply to the owner or operator of any source which conducts:

1. a source test required under an applicable standard or permit condition; or pursuant to a judicial or administrative order, consent agreement, or any other such binding requirement entered into after the effective date of this standard, or

2. any other source test from which data will be submitted to the Department for any purpose including but not limited to: determination of applicability of regulatory requirements, development of site-specific emission factors, establishment of parameters for compliance assurance monitoring, continuous emission monitoring, and Relative Accuracy Test Audits (RATA).

3. B. Submission and Approval of a Site-Specific Test Plan.

1. Prior to conducting a source test subject to this Section, the owner or operator shall ensure that:

a. a written site-specific test plan including all of the information required in paragraph C below has been developed and submitted to the Department. If the Department has previously approved a site-specific test plan the owner or operator may submit a letter which references the approved plan and which includes a thorough description of amendments to the plan; and

b. written Department approval of the site-specific test plan, methods, and procedures has been received.

2. All test methods included in the site-specific test plan must be either EPA Reference Methods described in, 40 CFR Part 51, Appendix M, or 40 CFR Part 60, Appendix A, or 40 CFR Part 61, Appendix

B, or 40 CFR Part 63, Appendix A or Department-approved alternate test methods.

3.a. The owner or operator of a source proposing to use alternative source test methods shall ensure that the alternative source test method is either validated according to EPA Reference Method 301 (40 CFR Part 63, Appendix A, December 29, 1992), and any subsequent amendments or editions, or approved by the Department.

b. The owner or operator shall ensure that requests for approval of alternative source test methods are submitted to the Department along with the site-specific test plan, and that the submission contains all of the information required by paragraph C below.

4. The Department shall determine whether any source test method proposed in the site-specific test plan is appropriate for use.

5.a. The owner or operator shall submit site-specific test plans or a letter which amends a previously approved test plan at least 45 days prior to the proposed test date. Sources conducting tests for substances listed in Regulation 61-62.5, Standard No. 8, shall submit site-specific test plans or a letter which amends a previously approved test plan at least 60 days prior to the proposed test date.

b. If the only amendments to a previously approved test plan are to facility information included in paragraph C.1 below, the requirement in B.5.a will not apply. The owner or operator, however, shall submit the amendments at least two weeks prior to the proposed test date.

6. Within 30 days of site-specific test plan receipt, the Department will notify the owner or operator of site-specific test plan approval or denial or will request additional information.

7. The owner or operator shall submit any additional information requested by the Department necessary to facilitate the review of the site-specific test plan.

8. Approval of a site-specific test plan for which an owner or operator fails to submit any additional requested information will be denied.

9. Neither the submission of a site-specific test plan, nor the Department's approval or disapproval of a plan, nor the Department's failure to approve or disapprove a plan in a timely manner shall relieve an owner or operator of legal responsibility to comply with any applicable provisions of this Section or with any other applicable Federal, State, or local requirement, or prevent the Department from enforcing this Section.

C. Requirements for a Site-Specific Test Plan.

A site-specific test plan shall include, at a minimum, the following:

1. Facility Information:

- a. Facility name, address, and telephone number, and name of facility contact.
- b. Facility permit number and source identification number.
- c. Name, address, and telephone number of the company contracted to perform the source test.
- d. Name, address, and telephone number of the laboratory contracted to perform the analytical analysis

of the source test samples.

2. Test Objectives:

a. Description and overall purpose of the tests (for example, to demonstrate compliance, to establish emission factors, etc.).

b. Citation of any applicable State or Federal regulation or permit condition requiring the tests.

3. Process Descriptions:

a. Description of the process including a description of each phase of batch or cyclic processes, and the time required to complete each phase.

b. Process design rates and normal operating rates.

c. Proposed operating rate and conditions for the source test.

d. Methods including proposed calculations, equations, and other related information that will be used to demonstrate and verify the operating rate during the source test.

e. Description of any air pollution control equipment.

f. Description of any stack gas or opacity monitoring systems.

g. A description of all air pollution control monitors (for example, pressure gauges, flow indicators, cleaning cycle timers, electrostatic precipitator voltage meters, etc.) when applicable.

h. A list of process and air pollution control operating parameters that will be recorded during the tests, the responsible party who will record these readings, and the frequency at which readings will be recorded.

4. Safety Considerations:

a. Identification of any ~~and all potential~~ risks associated with sampling location and accessibility, toxic releases, electrical hazards, or any other unsafe conditions, and a plan of action to correct or abate these hazards.

b. List of all necessary or required safety equipment including respirators, safety glasses, hard hats, safety shoes, hearing protection, and other protective equipment.

5. Sampling and Analytical Procedures:

a. Description of sampling methods to be used.

b. Description of analytical methods to be used.

c. Number of tests to be conducted.

d. Number of runs comprising a test.

e. Duration of each test run.

f. Description of minimum sampling volumes for each test run.

g. Location where samples will be recovered.

h. Explanation of how blank and recovery check results and analytical non-detects will be used in final emission calculations.

i. Maximum amount of time a sample will be held after collection prior to analysis.

j. Method of storing and transporting samples.

6. Sampling Locations and Documentation:

a. Schematics of sampling sites (include stack dimensions and distances upstream and downstream from disturbances).

b. A description of all emission points, including fugitive emissions, associated with the process to be tested, and when applicable, the method that will be used to measure or include these emissions during the source test.

c. Procedure for verifying absence of cyclonic or non-parallel stack gas flow.

7. Internal Quality Assurance/Quality Control (QA/QC) Measures. For each proposed test method when applicable:

a. Citation of the QA/QC procedures specified in the EPA Reference Methods and the EPA Quality Assurance Handbook for Air Pollution Measurement Systems, Volume III.

b. Chain-of-custody procedures and copies of chain-of-custody forms.

c. Procedure for conditioning particulate matter filters (before and after source testing).

d. Procedure for conducting leak checks on vacuum lines, pitot tubes, flexible bags, orsats, etc.

e. Equipment calibration frequencies, ranges, and acceptable limits.

f. Minimum detection limits of analytical instrumentation.

g. Names, addresses and responsible persons of all sub-contracting laboratories and a description of analytical methods to be used, chain-of-custody procedures and QA/QC measures.

h. QA/QC measures associated with the collection and analysis of process or raw material samples and the frequency at which these samples will be collected.

i. Methods for interference and matrix effects checks, and number of replicate analyses.

j. Methods and concentrations for internal standards (standards additions prior to extraction).

k. Methods and concentrations for surrogate standards (standards additions to collection media prior to sampling).

l. Methods for recovery checks, field blanks, lab blanks, reagent blanks, proof rinse blanks, and analytical blanks.

m. Proposed range of recoveries for data acceptability and method of data interpretation if sample recovery is not within the proposed range.

8. Final Test Report Content:

a. Final report outline.

b. Example calculations when using alternative test methods or for calculation of process operating rates.

c. Projected/Proposed report submission date if more than 30 days after the source test will be needed to complete the report.

D. Notification and Conduct of Source Tests.

1. Prior to conducting a source test subject to this Section, the owner or operator shall ensure that written notification is submitted to the Department at least two weeks prior to the test date. Submission of a site-specific test plan or amendments to a previously approved test plan does not constitute notification.

2. In the event the owner or operator is unable to conduct the source test on the date specified in the notification, the owner or operator shall notify the Department immediately by telephone and follow up in writing within 30 days. Telephone notification shall include a description of the circumstance(s) causing

the cancellation of the test, and a projected retest date. The written follow-up report shall ~~provide~~ include a ~~detailed~~ description of the condition(s) which prevented the source test from being conducted, and when applicable, what corrective action was performed, ~~and/or~~ what equipment repairs were required.

3. Rescheduling of canceled source tests must meet the two-week notice requirement. However, shorter notification periods may be allowed subject to Department approval.

4. All tests shall be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing.

5. Unless approved otherwise by the Department, the owner or operator shall ensure that source tests are conducted while the source is operating at the maximum expected production rate or other production rate or operating parameter which would result in the highest emissions for the pollutants being tested. Examples of the operating parameters that may effect emission rates are: type and composition of raw materials and fuels, isolation of control equipment modules, product types and dimensions, thermal oxidizer combustion temperature, atypical control equipment settings, etc. Some sources may have to spike fuels or raw materials to avoid being permitted at a more restrictive feed or process rate. Any source test performed at a production rate less than the rated capacity may result in permit limits on emission rates, including limits on production if necessary.

6. When conducting a source test subject to this Section, the owner or operator of a source shall provide the following:

- a. Department access to the facility to observe source tests;
- b. Sampling ports adequate for test methods;
- c. Safe sampling ~~platform~~site(s);
- d. Safe access to sampling ~~platform~~site(s);
- e. Utilities for sampling and testing equipment; and
- f. Equipment and supplies are necessary for safe testing of a source.

E. Source Test Method Audit Program.

1. The Department may request that samples collected during any source tests be split with the Department for analysis by an independent or Department laboratory. Any request for split samples will be made in advance of the source test.

2. The owner or operator shall analyze performance audit samples provided by the Department. If the Department does not provide performance audit samples to the owner or operator, the Department thereby waives the requirement to conduct a performance audit.

3. A waiver of performance audit requirements to conduct a performance audit for a particular source test under E.2 above does not constitute a waiver of performance audit requirements for future source tests.

4. The Department shall have ~~sole~~ discretion to require any subsequent remedial actions of the owner or operator based on the split sample and/or performance audit results.

F. Final Source Test Report.

1. The owner or operator of a source subject to this Section shall submit a written report of the final source test results to the Department by the close of business on the 30th day following the completion of the test, unless an alternative date has been requested in and approved with the site-specific test plan prior to testing or is otherwise specified in a relevant Federal or State standard. The final test report for each site-specific test plan shall contain, at a minimum, the following supporting information:

2. The final test report for each site-specific test plan shall contain, at a minimum, the following supporting information when applicable:

- a. Summary of the results.
- b. Emission calculations and emission rates in units of the applicable standard, permit limit, etc.
- c. Allowable emission rates in units of the applicable standard, permit limit, etc.
- d. Source compliance status, if applicable.
- e. Process operating rates.
- f. Methods including actual calculations, equations, and other related information that will be used to demonstrate and verify the operating rate during the source test.
- g. Chain of custody records.
- h. Certification of all reference standards used.
- i. Signature of responsible facility official representative who was present during the source test and can verify/certifying process operating rates and parameters.
- j. Legible copies of all raw laboratory data (for example, filter tare and final weights, titrations, chromatograms, spectrograms, analyzer measurements, etc.).
- k. Legible copies of all raw field data (for example, strip charts, field data forms, field calibration forms, etc.).
- l. Legible copies of applicable stack gas or opacity monitoring system readings identified in the approved site-specific test plan.
- m. Legible copies of all applicable process and air pollution control operating parameter readings identified in the approved site-specific test plan.
- n. Results of all calibrations and QA/QC measures and checks identified in the approved site-specific test plan.
- o. Results of performance audits pursuant to paragraph E.
- p. Description of any deviations from the proposed process operations as approved in the site-specific test plan during testing.
- q. Description of any deviations from approved sampling methods/procedures.
- r. Description of any deviations from approved analytical procedures.
- s. Description of any problems encountered during sampling and analysis, and explanation of how each was resolved.

G. Non-Compliant Results.

1. Within fifteen days of submission of a test report indicating non-compliance, the owner or operator shall submit to the Department a written plan which includes at a minimum:

- a.. interim actions being taken to minimize emissions pending demonstration of compliance;
- b. corrective actions that have been taken or that are proposed to return the source to compliance;
- c. method that will be used to demonstrate the source has returned to compliance (for example, retest and proposed date);

d. any changes necessary to update the site-specific test plan prior to a retest.

~~2. The Department shall have discretion to require any interim measures or corrective actions of the owner or operator.~~

H. Analytical Observation.

Upon request by the Department, the owner or operator or the source test consultant shall ensure that Department representatives are provided access to the analytical laboratory for observation of instrument calibrations and analysis of field and audit samples.

I. Site Inspection.

Upon request by the Department and prior to approval of the site-specific test plan, the owner or operator shall ensure Department representatives are provided access to the site for inspection of the source(s) to be tested.

J. Modifications.

Modifications to the approved site-specific test plan must have prior Department approval. Approval shall be considered on a case-by-case basis. Failure to obtain prior Department approval may cause final test results to be unacceptable.

3. 61-62.1, Section II, G.4.(d) will be revised to read:

~~(d) An owner or operator of stationary sources that desire or are required to conduct performance tests to verify emissions limitations shall ensure that source tests are conducted in accordance with the provisions of R.61-62.1, Section IV, Source Tests. submit a test protocol that includes test methodology and procedures. The test protocol shall be approved by the Department prior to conducting the performance test. The source shall notify the Department at least 60 calendar days prior to the performance test date to allow a Department representative an opportunity to be present at the performance test. The report of the performance test results shall be submitted to the Department not later than 30 calendar days from the test date, and the results shall be approved by the Department. Upon written request by the applicant, the Department may grant an extension to submit test results beyond the 30-day requirement on a case-by-case basis. The Department shall determine if an extension is warranted based upon the complexity of the testing being conducted and the amount of data expected to be generated.~~

4. 61-62.5, Standard 1, Section VI, Introduction will be revised to read:

SECTION VI - PERIODIC TESTING

An owner or operator of any source listed below shall ensure that scheduled periodic tests for particulate matter emissions are conducted every two years or as required by permit conditions and are performed in accordance with the provisions of R.61-62.1, Section IV, Source Tests. An owner or operator shall demonstrate compliance with sulfur dioxide emissions by source testing, continuous monitoring, or fuel analysis as required by permit conditions. Scheduled periodic tests for particulate matter emissions will be required of the sources listed below every two years, or as required by permit conditions to demonstrate

~~compliance with this Standard. Compliance with sulfur dioxide will be by source testing, continuous monitoring, or fuel analysis as required by the permit conditions.~~

5. 61-62.5, Standard 1, Section VII will be revised to read:

SECTION VII - [RESERVED]SOURCE TEST REQUIREMENTS

~~A. The owner or operator required to comply with Section VI above shall conduct such tests as required by the Department in order to demonstrate compliance with this Standard. The test methods and procedures used shall be approved EPA test methods or such alternative methods as approved by the Department prior to testing.~~

~~Tests shall be conducted while the source is operating at the expected maximum production rate or other production rate or operating conditions which would result in the highest emissions. Any production rate less than rated capacity may result in production limitations on the permits.~~

~~All tests shall be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing.~~

~~B. Any source owner or operator proposing to conduct tests in accordance with paragraph A. above shall notify the Department in the manner set forth below of the intent to test, not less than two weeks before the proposed initiation of the tests so the Department may observe the test if it desires to do so.~~

~~Notification shall include the following minimum information:~~

- ~~1. the purpose of the proposed test.~~
- ~~2. a description of the source to be tested.~~
- ~~3. a description of the test procedures, equipment and sampling sites.~~
- ~~4. a timetable, setting forth the dates on which the testing will be started and concluded.~~

~~C. The final test reports must be submitted no later than 30 days after completion of on-site testing containing as a minimum, the following supporting information:~~

- ~~1. process weight rates (lb/hr).~~
- ~~2. process design and load rates at which the test was conducted.~~
- ~~3. procedure used for determining process weight rates.~~
- ~~4. calculations used to determine process weight rates.~~
- ~~5. signature of responsible company official.~~

~~D. The owner or operator proposing a source test under the provisions of this section shall be responsible for providing:~~

- ~~1. sampling ports, pipes, lines, or for the appurtenances for the collection of samples and data by the test procedure.~~
- ~~2. safe access to the sample and data collection locations~~
- ~~3. light, electricity, and other utilities required for sample and data collection.~~

~~E. Any proposed deviations from the procedures and requirements stated above must be thoroughly explained and must be approved by this Department prior to testing. Failure to observe any of these procedures or requirements may be grounds for not accepting the tests.~~

6. 61-62.5, Standard 3, Section VIII.A will be revised to read:

A. An owner or operator of any source listed in paragraph C below shall ensure that scheduled periodic tests for the parameters associated with that source are conducted in accordance with R.61-62.1, Section IV, Source Tests. Scheduled periodic tests for the parameters listed below will be required of sources as shown.

These tests will be performed when evaluating a source at the time an operating permit is first being issued and every two years thereafter, except as noted otherwise. This requirement to conduct tests may be waived if an alternative method for determining emissions can be developed which is acceptable to the Department.

7. R.61-62.5, Standard 3, Section IX.

§IX- [RESERVED] TEST METHODS

~~A. The owner or operator required to comply with Section VIII above shall conduct such tests as required by the Department in order to demonstrate compliance with this Standard. The test methods and procedures used shall be approved EPA test methods or such alternative methods as approved by the Department and EPA prior to testing. The table below lists the approved test methods:~~

Parameter	Stack Test Method
1. Opacity	EPA Reference Method 9 (40CFR 60, Appendix A, July 1, 1986).
2. HCL	Modified EPA Reference Method 5 (40 CFR 60, Appendix A, July 1, 1986) using ion specific electrode analysis.
Parameter	Analytical Test Method
3. Particulate Matter	EPA Reference Method 5 (40CFR 60, Appendix A, July 1, 1986).
4. Organic Destruction Volatile Organic Sampling Train (for & Removal Efficiency(DRE) organics with boiling points < 100° C) Semi Volatile Organic Sampling Train (for organics with boiling points > 100° C).	
5. O₂ & CO₂	EPA Reference Method 3 or 3A (40 CFR 60, Appendix A, July 1, 1986).
6. CO	EPA Reference Method 10 (40 CFR 60, Appendix A, July 1, 1986).
7. Hg	EPA Reference Method 101A (40 CFR 61, Appendix B, July 1, 1986).
8. Arsenic	EPA Reference Method 108 (40 CFR 60, Appendix A, July 1, 1986).
9. Cadmium	Modified EPA Reference Method 5 (40 CFR 60 Appendix A, July 1, 1986).
10. Chromium	Modified EPA Reference Method 5 (40 CFR 60, Appendix A, July 1, 1986).
11. Lead	EPA Reference Method 12 (40 CFR 60, Appendix A, July 1, 1986).
12. Nickel	Modified EPA Reference Method 5 (40 CFR 60, Appendix A, July 1, 1986).
13. Heat Value (BTU/lb)	ASTM D-2015-77
14. Halogens	ASTM D-808-81
15. Organics	As specified in "B" below
16. Arsenic	3040, 3050, 7060
17. Cadmium	3040, 3050, 6010, 7131
18. Chromium	30509 6010, 7191
19. Lead	3040, 3050, 6010, 7420, 7421
Parameter	Analytical Test Method
20. Nickel	3040, 3050, 7520, 7521
21. Flash Point	1010

~~B. Test methods for organics, arsenic, cadmium, chromium, lead, nickel, and flash point are from the Federal publications "Test Methods for Evaluating Solid Waste" (SW-846) and "Proposed Test Methods for Evaluating Solid Waste" (NTIS PB8-103-026).~~

8. 61-62.5, Standard 3.1, Section VI, Part A, Items 1 through 5 will be revised to read:

A. General

1. For incinerator facilities in existence before May 25, 1990~~the effective date of this Standard~~, stacksource testing must be conducted within one year of the effective date of this Standard. For owners or operators with an approved schedule of corrective action, source testing will be conducted as specified in the approved schedule.

2. For incinerator facilities where construction commenced on or after May 25, 1990~~the effective date of this Standard~~, stacksource testing must be conducted within 60 days after achieving the maximum production rate at which the incinerator~~facility~~ will be operated, but no later than 180 days after initial start-up.

3. StackSource testing shall be conducted in accordance with~~the manner prescribed in R.egulation 61-62.1, Section IV, Source Tests.62.5. Standard I, Section VII.~~

4. Hospitals and/or medical care facilities who implement a program to eliminate chlorinated plastics from the waste stream to be incinerated and abide by it will not be required to test for HCl emissions from their incinerator(s).

5. The Department~~BAQC~~ may require air contaminant stacksource testing~~as determined to be necessary~~ to assure continuous compliance with the requirements of this Standard and any emission limit stipulated as a permit condition.

9. 61-62.5, Standard 3.1, Section IX will be revised to read:.

SECTION IX - [RESERVED]

SECTION IX - TEST METHODS

~~A. The owner or operator required to comply with Section III, VI or X shall conduct such tests as required by the Department in order to demonstrate compliance with this Standard. The test methods and procedures used shall be approved EPA test methods or such alternative methods as approved by the Department prior to testing. The table below lists the approved test methods.~~

Parameter Stack Test Method

- ~~1. Opacity EPA Reference Method 9 (40CFR60, Appendix A, July 1, 1986).~~
- ~~2. HCl Modified EPA Reference Method 5 (40CFR60, Appendix A, July 1, 1986) using ion specific electrode analysis.~~
- ~~3. PM EPA Reference Method 5 (40CFR60, Appendix A, July 1, 1986).~~
- ~~4. O₂ EPA Reference Method 3 or 3A (40CFR60, Appendix A, July 1, 1986).~~
- ~~5. CO EPA Reference Method 10 (40CFR60, Appendix A, July 1, 1986).~~
- ~~6. Mercury EPA Reference Method 101A (40CFR61, Appendix B, July 1, 1986).~~
- ~~7. Arsenic EPA Reference Method 108 (40CFR60, Appendix A, July 1, 1986).~~
- ~~8. Cadmium Modified EPA Reference Method 5 (40CFR60, Appendix A, July 1, 1986).~~
- ~~9. Chromium Modified EPA Reference Method 5 (40CFR60, Appendix A, July 1, 1986).~~
- ~~10 Lead EPA Reference Method 12 (40CFR60, Appendix A, July 1, 1986).~~
- ~~11. Nickel Modified EPA Reference Method 5 (40CFR60, Appendix A, July 1, 1986).~~

- ~~12. SO₂ — EPA Reference Method 6 (40CFR60, Appendix A, July 1, 1986).~~
- ~~13. Beryllium — EPA Reference Method 103 or 104 (40CFR61, Appendix B, July 1, 1986).~~
- ~~14. CO₂ — EPA Reference Method 3 or 3A (40CFR 60, Appendix A, July 1, 1986).~~
- ~~15. PCDD & PCDF — MM-5 sampling train for sample collection with analysis using High Resolution Gas Chromatography/High Resolution Mass Spectrometry (HRGC/HRMS).~~

10. R.61-62.5, Standard 3.1, Section X.C will be revised to read:

C. The required analysis in A. or B. must show that predicted concentrations do not exceed the following applicable annual ambient concentrations. Levels exceeding these concentrations have been determined by the Department to be unacceptable.

<u>Contaminants</u>	<u>Ambient Concentration</u> <u>ug/m³</u>
Arsenic and compounds	0.23 x 10 ⁻³
Beryllium and compounds	0.42 x 10 ⁻³
Cadmium and compounds	0.56 x 10 ⁻³
Hexavalent Chromium and compounds	0.83 x 10 ⁻⁴
Lead and compounds	0.50
Mercury and compounds	0.08
Nickel and compounds	0.33 10 ⁻²
PCDD & PCDF expressed as 2,3,7,8 TCDD equivalents	0.30 x 10 ⁻⁷

Compliance shall be verified by ~~stack sampling~~ source testing as described in Section VI. The owner or operator shall ensure that source tests are conducted in compliance with R.61-62.1, Section IV, Source Tests. Using the actual stack emission rates, the exhaust parameters from each test and the dispersion modeling techniques specified in the application as approved by the Department the calculated maximum annual ambient concentrations shall not exceed the above levels.

11. R.61-62.5, Standard 4, Section XII.A will be revised to read:

A. Particulate Matter Emissions and/or Sulfur Dioxide (SO₂)

An owner or operator of a source listed below shall perform scheduled periodic tests for particulate matter emissions and/or sulfur dioxidewill be required for the sources every two years except as noted, or on a schedule as stipulated by special permit conditions, and shall ensure that source tests are conducted in accordance with R.61-62.1, Section IV, Source Tests.~~to demonstrate compliance with this Standard.~~

12. 61-62.5, Standard 4, Section XII.A.5 will be revised to read:

5. Asphalt plants. Asphalt plants that have a baghouse operating in a satisfactory manner with sufficiently low visible emissions may be exempted at the discretion of the Department. Asphalt plants will be required to produce "surface mix" during compliance source testing. "Surface mix" is hot laid asphaltic concrete surface courses (except sand asphalt surface mix) as defined in Section 403 of the 1986 edition of the South Carolina State Highway Department's "Standard Specifications for Highway Construction" manual. The

Department may, at its discretion, waive this requirement if sufficient evidence indicates that less than 25% of the plant's total annual production is surface mix.

13. 61-62.5, Standard 4, Section XII.B will be revised to read:

B. Total Reduced Sulfur (TRS)

An owner or operator of a source which must comply with Section XI must perform scheduled periodic tests for TRS every two years or on a schedule as stipulated by special permit conditions ~~to demonstrate compliance~~ and shall ensure that source tests are conducted in accordance with R.61-62.1, Section IV, Source Tests.

14. R.61-62.5, Standard 4, Section XIII will be revised to read:

SECTION XIII - [RESERVED]

~~—SOURCE TEST REQUIREMENTS~~

~~A. The owner or operator required to comply with Section XII above shall conduct such tests as required by the Department in order to demonstrate compliance with this Standard. The test methods and procedures used shall be approved EPA test methods or such alternative methods as approved by the Department prior to testing.~~

~~—Tests shall be conducted while the source is operating at the maximum production rate or other production rate or operating conditions which would result in the highest emissions. Any production rate less than rated capacity may result in production limitations on the permits.~~

~~—All tests shall be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing.~~

~~—Asphalt plants will be required to produce "surface mix" during compliance source testing. "Surface mix" is hot laid asphaltic concrete surface courses (except sand asphalt surface mix) as defined in Section 403 of the 1973 edition of the South Carolina State Highway Department's "Standard Specifications for Highway Construction" manual.~~

~~—The Department may, at its discretion, waive this requirement if sufficient evidence indicates that less than 25% of the plant's total annual production is surface mix.~~

~~B. Any source owner or operator proposing to conduct tests in accordance with paragraph A. above shall notify the Department in the manner set forth below of the intent to test, not less than two weeks before the proposed initiation of the tests so the Department may observe the test if it desires to do so.~~

~~—Notification shall include the following minimum information:~~

~~——1. the purpose of the proposed test.~~

~~——2. a description of the source to be tested.~~

~~3. a description of the test procedures, equipment, and sampling sites.~~

~~4. a timetable, setting forth the dates on which the testing will be started and concluded.~~

~~C. final test reports must be submitted no later than 30 days after completion of on-site testing, containing as a minimum, the following supporting information:~~

~~1. process weight rates (lb/hr)~~

~~2. process design and load rates at which the test was conducted.~~

~~3. procedure used for determining process weight rates.~~

~~4. calculations used to determine process weight rates.~~

~~5. signature of responsible company official.~~

~~D. The owner or operator proposing a source test under the provisions of this section shall be responsible for providing:~~

~~1. sampling ports, pipes, lines, or appurtenances for the collection of samples and data required by the test procedure.~~

~~2. safe access to the sample and data collection locations.~~

~~3. light, electricity, and other utilities required for sample and data collection.~~

~~E. Any proposed deviations from the procedures and requirements stated above must be thoroughly explained and must be approved by this Department prior to testing. Failure to observe any of these procedures or requirements may be grounds for not accepting the tests.~~

15. 61-62.5, Standard 5, Section I, Part E Introduction will be revised to read:

The owner or operator of any volatile organic compound source required to comply with Section II shall, at his own expense, conduct source tests in accordance with the provisions of R.61-62.1, Section IV, Source Tests, to demonstrate complete compliance unless the Department determines that the compliance status of the source can be monitored as described in Part F.

16. 61-62.5, Standard 5, Section I, Part E.2.b will be revised to read:

b. the indicated values are maintained at a level no less than that recorded during the last sourcestack test during which compliance was verified, and

17. 61-62.5, Standard 5, Section I, Part E.4 will be revised to read:

4. An owner or operator of a source shall ensure that source tests are conducted in accordance with Regulation 61-62.1, Section IV, Source Tests. ~~The test methods and procedures used are specified in the~~

source's operating permit.

18. 61-62.5, Standard 5, Section I, Part E, Items 5 through 12.

- ~~5. All tests shall be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing.~~
- ~~6. Tests shall be conducted while the source is operating at the expected maximum production rate or other production rate or operating conditions which would result in the highest emissions. Any production rate less than rated capacity may result in production limitations on the permits.~~
- ~~7. No volatile organic compound emissions compliance test results will be accepted, unless prior notification has been supplied to the Department as required under paragraphs 8. and 9. below and the Department has granted approval.~~
- ~~8. Any person proposing to conduct a volatile organic compound emissions compliance test shall notify the Department, in the manner set forth under paragraph 9. below of the intent to test, not less than two weeks before the proposed initiation of the tests so the Department may at its option observe the test.~~
- ~~9. Any person notifying the Department of a proposed volatile organic compound emissions compliance test shall include, as part of notification, the following minimum information:~~
 - ~~a. a statement indicating the purpose of the proposed test;~~
 - ~~b. a description of the source to be tested;~~
 - ~~c. a description of the test procedures, equipment, and sampling sites; and,~~
 - ~~d. a timetable, setting forth the dates on which the testing will be started and concluded.~~
- ~~10. The final test reports must be submitted no later than 30 days after completion of on-site testing, containing as a minimum, the following supporting information:~~
 - ~~a. process weight rates (lb/hr.)~~
 - ~~b. process design and load rates at which the test was conducted.~~
 - ~~c. procedure used to determine process weight rates.~~
 - ~~d. calculations used to determine process weight rates.~~
 - ~~e. signature of responsible company official.~~
- ~~11. For compliance testing, the owner or operator of any volatile organic compound emissions source shall be responsible for providing:~~
 - ~~a. sampling ports, pipes, lines, or appurtenances for the collection of samples and data required by the test procedure.~~
 - ~~b. safe access to the sample and data collection locations; and,~~
 - ~~c. light, electricity, and other utilities required for sample and data collection.~~
- ~~12. The Department or the U.S. E.P.A. may verify test results submitted by companies with independent tests. EPA or state conducted tests will take precedence.~~

19. 61-62.5, Standard 5.1, Section III Introduction will be revised to read:

The owner or operator of any volatile organic compound source required to comply with this Standard shall, at his own expense, conduct source tests in accordance with the provisions of R.61-62.1, Section IV, Source Tests, to demonstrate complete compliance unless the Department determines that the compliance status of the source can be monitored as described in Section IV, below. If tests are required, the following conditions shall apply:

20. 61-62.5, Standard 5.1, Section III.A.3 will be revised to read:

3. every four (4) years for sources utilizing flame incineration provided the source operates, calibrates, and maintains a recorder for each incinerator which continuously records the combustion zone temperature and such temperature is maintained at a value no less than that recorded during the last sourcestack test during which compliance was verified.

21. 61-62.5, Standard 5.1, Section III.B.2 will be revised to read:

2. the indicated values are maintained at a level no less than that recorded during the last sourcestack test during which compliance was verified, and

22. 61-62.5, Standard 5.1, Section III, Parts D through L - text will be deleted.

~~D. The test methods and procedures used shall be U.S. Environmental Protection Agency approved test methods or such alternative methods as approved by the Department and the U.S.E.P.A. prior to testing.~~

~~E. All tests shall be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing.~~

~~F. Tests shall be conducted while the source is operating at the expected maximum production rate or other production rate or operating conditions which would result in the highest emissions. Any production rate less than rated capacity may result in production limitations on the permits.~~

~~G. No volatile organic compound emissions compliance test results will be accepted, unless prior notification has been supplied to the Department as required under paragraphs H. and I. below and the Department has granted approval.~~

~~H. Any person proposing to conduct a volatile organic compound emissions compliance test shall notify the Department, in the manner set forth under paragraph I below of the intent to test, not less than two weeks before the proposed initiation of the tests so the Department may at its option observe the test.~~

~~I. Any person notifying the Department of a proposed volatile organic compound emissions compliance test shall include, as part of notification, the following minimum information:~~

~~1. a statement indicating the purpose of the proposed test;~~

~~2. a description of the source to be tested;~~

~~3. a description of the test procedures, equipment, and sampling sites; and,~~

~~4. a timetable setting forth the dates on which the testing will be started and concluded.~~

~~J. The final test reports must be submitted no later than 30 days after completion of on-site testing, containing as a minimum, the following supporting information:~~

~~1. process weight rates (lb/hr.)~~

~~2. process design and load rates at which the test was conducted.~~

~~3. procedure used to determine process weight rates.~~

~~4. calculations used to determine process weight rates.~~

~~5. signature of responsible company official.~~

~~K. For compliance testing, the owner or operator of any volatile organic compound emissions source shall be responsible for providing:~~

~~1. sampling ports, pipes, lines, or appurtenances for the collection of samples and data required by the test procedure.~~

~~2. safe access to the sample and data collection locations; and,~~

~~3. light, electricity, and other utilities required for sample and data collection.~~

~~L. The Department or the U.S. E.P.A. may verify test data submitted by companies with independent tests. EPA or State conducted tests will take precedence.~~

23. R.61-62.5, Standard 8, Section IV, Introduction will be revised to read:

IV. SOURCE TEST REQUIREMENTS.

The owner or operator of all sources of toxic air pollutants shall conduct such tests as required by the Department to verify toxic air pollutant emission rates. An owner or operator shall ensure that source tests are conducted in compliance with the requirements of R.61-62.1, Section IV, Source Tests. ~~The test methods and procedures used shall be approved by the Department prior to testing.~~

ATTACHMENT D

Summary of Public Comments and Department Responses for Proposed Amendment of R.61-62 Air Pollution Control Regulations and Standards November 26, 1997

Legend:

- + = Industry Comment - Drafting Comment Period
- ++ = Industry Comment - Proposed Regulation Comment Period
- * = Staff Comment - Proposed Regulation Comment Period

+, ++1. Comment: Seven commenters disagreed with the need to develop a source test regulation since details for compliance source tests are outlined in a facility's permit and referenced in the EPA Methods.

Response: The proposed regulation does not specify what tests are required or how often a source test must be conducted. It will standardize and clarify source testing requirements for all affected owners or operators and source testers with regard to how the test is conducted. A site-specific test plan will include more detailed and different information than is contained in a facility's permit. EPA methods do not always contain the necessary information (for example: minimum sampling volumes and times) needed for conducting a source test.

+, ++2. Comment: Seven commenters conditionally supported the development of the source test regulation if the requirements are no more stringent than federal requirements.

Response: The proposed regulation does not impose any new requirements regarding frequency of source tests. It addresses how source tests are conducted. For tests for which EPA-approved methods exist, the proposed regulation adds certain quality assurance requirements necessary to ensure test validity. The regulation also will standardize procedures for testing when no Federally-approved method exists.

+3. Comment: Two commenters urged the Department to consider that scheduling outside source testers can take several weeks.

Response: With the development and approval of a site-specific test plan as required in the proposed regulation, the Department may not need to be present at each stack test. This will result in greater scheduling flexibility for facilities.

+4. Comment: Two commenters requested that a time limit for Department approval of a site-specific test plan be identified.

Response: Time frames for Department approval of a site-specific test plan have been identified and included in the proposed regulation.

+5. Comment: Two commenters requested that the time frame for submission of a site-specific test plan be 15 days when methods to be used are EPA-approved test methods, and 60 days for test methods requiring Department approval.

Response: Time frames for submission of a site-specific test plan are included in the proposed regulation. Because of the increasing number of source tests conducted each year, 15 days is insufficient for plan review. However, the proposed regulation provides for a shorter review period for tests for which there are already approved methods.

+6. Comment: One commenter suggested that when test methods must be developed for a source test, the Department provide the regulated community with previously approved test methods for a particular pollutant. Commenter does not believe a new method should have to be developed each time a facility tests for a pollutant which does not have an EPA-approved reference method.

Response: The Department maintains a database of all approved test methods, and shares this information with source owners or operators and consultants upon request. Additional method validations and/or QA/QC measures may be necessary when processes or stack effluent compositions differ from those identified in previously approved test plans.

+7. Comment: Four commenters suggested that in-house source testing for compliance be exempted from regulation. Commenter states that the credible evidence rule makes in-house conducted source tests valid.

Response: If a facility conducts testing for internal, informational purposes only and does not intend to submit the results to the Department, it will not be required to submit a site-specific test plan. A test plan will be required only for purposes such as required compliance demonstrations, development of site-specific emission factors, or establishment of parameters for compliance assurance monitoring.

+8. Comment: One commenter suggested that the word “detailed” be excluded from the text of the proposed regulation since the meaning of detailed is subjective and tends to create misunderstandings.

Response: The Department has made an effort to omit the word “detailed” and use clear and concise language when identifying requirements imposed on the regulated community.

+9. Comment: One commenter suggested that the Department should not certify source testers. The commenter believes that free enterprise should be allowed to work to eliminate problem source testers.

Response: Due to on-going efforts by the National Environmental Laboratory Accreditation Commission (NELAC) to establish an accreditation and certification program for source testers and emission measurement procedures, the Department has decided not to pursue certification of source testers at this time. Certification may be required upon promulgation of NELAC standards.

+10. Comment: One commenter suggested that the proposed provisions for source test regulation could be in conflict with the compliance assurance monitoring regulation being proposed by the EPA.

Response: Preliminary review of the Compliance Assurance Monitoring (CAM) rule suggests that the proposed site-specific test plan enhances CAM requirements when sources opt to conduct source tests to establish compliance parameters. One example is identification during the source test of the operating and control equipment parameters that will be used to monitor process operations. Concurrence on sampling and analytical methods and performance audit analyses and QA/QC measurements will ensure acceptability of data. The proposed revision does not address when testing is required.

+11. Comment: Two commenters requested that the Department not impose Federal New Source Performance Standards across the board to all facilities.

Response: NSPS requirements are not being applied to all facilities. The proposed site-specific test plan requirement consolidates and standardizes existing regulations and guidance for test methodologies, and ensures data quality by addition of QA/QC measures. The proposed regulation does not change the existing requirements for when tests are conducted.

+12. Comment: Three commenters agreed with the submittal and approval of a site-specific test plan but only for an initial source test. Commenters believe that Department-issued guidance is sufficient.

Response: The Department believes that submittal and approval of a site-specific test plan should be required for both initial and subsequent source testing. During subsequent source testing, process parameters or test methodologies may be different. Original test plans could be used as core documents and decrease the cost of subsequent test plans. The proposed regulation comprises requirements already in Department-issued guidance. This regulation will ensure that all sources are consistent in their testing, notification, test report submittal, etc.

+13. Comment: Two commenters suggested that the development of additional source test regulations contradicts the Departments stated intent to streamline regulations.

Response: The proposed revision streamlines regulations by consolidating requirements from several sections and guidance documents into one section. The Department believes the source test regulation will be of great benefit to the regulated community. Owners or operators of sources with approved site-specific test plans will have more flexibility in conducting source tests, since Department representatives may not need to be present to observe each test. The regulation will also make testing more consistent and standardized.

+14. Comment: Two commenters expressed concerns that the proposed regulation would impact the Mass Balance method used by the brick industry to perform compliance monitoring.

Response: The proposed regulation is only for sources demonstrating compliance with applicable requirements through source testing and would not affect the criteria set forth for allowing mass balance methods.

++15. Comment: Two commenters questioned whether the provisions of the regulation were applicable to Relative Accuracy Test Audit (RATA) and Linearity Tests.

Response: The proposed regulation applies to any source emission test that will be submitted to the Department. RATAs are emission tests conducted to verify the accuracy of continuous emission monitoring systems and are subject to this regulation. Linearity and flow tests required by 40 CFR Part 75 (Acid Rain) are not emission tests and would not be subject. Paragraph A.2 has been amended by adding continuous emissions monitoring (CEMs) certifications and RATA tests in the description of applicable tests.

++16. Comment: Two commenters requested a provision be added to address the format for subsequent test plan submittals. Five other commenters requested that the site-specific test plan be applicable for the life of the source provided the conditions of the testing remain similar.

Response: New language is being added which allows an owner or operator to submit amendments to a previously approved test plan in a letter.

++17. Comment: Two commenters inquired whether a facility with an existing test plan would be required to comply with the 45-day submittal requirement. A second commenter requested language be added to allow 45-day and 60-day time-frames to be waived. Two commenters wanted to allow minor changes to paragraph C.1 without full notification.

Response: If the only amendments to a test plan are to facility information included in paragraph C.1.a-d, then the 45 or 60 day submittal would not apply, but the owner or operator would still have to submit amendments at least two weeks prior to the proposed test date. Certain Federal regulations require that test plans be submitted 60 days prior to testing. Sources subject to more than one requirement must comply with the more stringent.

++18. Comment: Five commenters suggested that a provision be added that would allow for automatic approval if the Department fails to respond within 30 days. Another commenter questioned what the consequences would be should the Department fail to respond within 30 days. Two commenters suggested that should the Department not conduct a timely review the facility may not be able to comply with other regulatory or permit testing requirements and should be held accountable.

Response: The Department intends to focus necessary resources to ensure that plans are reviewed within 30 days and problems resolved within the 45 days. Because use of site-specific test plans will become an important element in ensuring the validity of source tests, the Department believes it is inappropriate to provide automatic approval.

++19. Comment: Two commenters expressed concern regarding confidentiality of process information.

Response: Requests for confidentiality of process information will be handled in accordance with the agency's existing policies and procedures for handling confidential materials.

++20. Comment: One commenter requested that the words "all potential associated risks" in paragraph C.4 be replaced with the words "any risk associated."

Response: The words "all potential associated risks" is being replaced with "any risk associated."

++21. Comment: Two commenters suggested that the requirement in C.6.c for reporting the procedure for verifying the absence of cyclonic or non-parallel gas flow be qualified by adding the words "when applicable."

Response: The words "when applicable" have been added to the requirement for reporting the procedure for verifying the absence of cyclonic or non-parallel gas flow.

++22. Comment: Three commenters suggested that language be added to C.8.b to clarify when example calculations must be submitted as part of the final test plan.

Response: Example calculations must be submitted as part of the test plan for alternative source test methods and for calculation of process operating rates, if applicable. Language has been added to the

regulation in paragraph C.8.b to clarify this provision.

++23. Comment: Two commenters suggested that clarification be provided to explain what is meant by “projected report submission date” in paragraph C.8.c.

Response: To clarify this requirement the words “projected report submission date” will be replaced with “proposed report submission date if more than 30 days after the source test will be needed to complete the test report”.

++24. Comment: Three commenters inquired why the Department needed such detailed information in D.2 concerning the circumstances causing cancellation of a source test, necessary corrective actions, and equipment repairs.

Response: The Department recognizes that events causing test cancellation vary in complexity; however, it is appropriate to document when a source test is not performed as scheduled. The words “when applicable” are added to distinguish reporting requirements for more complex events, such as equipment failure, from the requirement for simpler events, such as weather conditions.

++25. Comment: Three commenters suggested adding a provision in paragraph D.5 which would allow source testing to be conducted at less than 100 per cent rated capacity.

Response: The regulation does not require testing at 100 per cent of rated capacity. However, sources should try to operate at 100 per cent of their rated capacity during source tests to avoid production limits being placed on operating permits. Feed stock and fuel quality may affect production and are considered when determining whether or not operating limits shall be imposed. Language has been added to provide for testing at less than 100 per cent rated capacity.

++26. Comment: One commenter noted that the regulation appears to require platforms but not all stacks have platforms.

Response: Platforms are not required by the regulation. The word “platform” will be replaced by “site(s).”

++27. Comment: One commenter suggested that the word “sole “ be deleted from the text in paragraph E.4 regarding the Department’s authority to require remedial actions of the owner or operator based on performance audit results.

Response: The word “sole” is being deleted from the text of E.4.

++28. Comment: Five commenters requested that language be added to paragraph F.1 to provide the Department with the authority to grant an extension for final test report submittal.

Response: Final reports may be submitted later than 30 days after completion of testing if an alternative time frame was requested in the site-specific test plan and was approved by the Department. Based on their knowledge of sampling and analytical methods used, source testers can accurately predict how long it takes to complete reports and may request additional time for complex tests. There are already other mechanisms for considering extensions under appropriate circumstances.

++29. Comment: Three commenters suggested that the criteria for information to be included in a final source test report in paragraph F.2 be qualified by adding the words “when applicable” to the introductory paragraph.

Response: The words “when applicable” are being added to the introductory paragraph in F.2. The words “if applicable” are being deleted from F.2.d. The words “will be” in F.2.f, are being replaced with “were”.

++30. Comment: Five commenters questioned whose signature is being requested by the term “responsible facility official” in paragraph F.2.i.

Response: The term “responsible facility official” means the person who was present during testing and can verify that those process operating rates and parameters included in the final source test report are correct (for example, the process operator). The word “official” is being replaced with “representative who was present during the source test...”. The word “certifying” is being replaced to read “can verify...”.

++31. Comment: Two commenters questioned whether F.2.e, “process operating rates” and F.2.f, “methods including actual calculation, equations, and other related information used to demonstrate and verify operating rates during source test” elicit the same response and data.

Response: The Department believes that these statements are not redundant. The first statement refers to listing the operating rates during the source test. The second statement refers to the actual method used to verify the operating rates such as calculations, on-line instrumentation, strip charts, etc.

++32. Comment: One commenter requested clarification regarding when a written plan for a non-compliant source must be submitted.

Response: The regulation is being reworded to say, “Within fifteen days after submission of a test report indicating non-compliance, the owner or operator shall submit to the Department a written plan which includes at a minimum: ...”.

++33. Comment: Two commenters suggested language changes in paragraph G.2 to the provision regarding Department authority to require corrective actions and interim measures for non-compliant results.

Response: After reconsideration of this paragraph, it was determined that paragraph G.2 restates Department enforcement authority and is unnecessary.

++34. Comment: Four commenters suggested that the provisions regarding the site-specific test plan and the final test report be removed from the regulation and put into a guidance document, and that this guidance document be referenced in the regulation.

Response: As a product of the Department’s ongoing dialogue with the regulated community, there has been a diligent effort to incorporate requirements into regulation rather than relying on guidance. Using regulation provides an opportunity for input from the regulated community and establishes requirements clearly.

++35. Comment: Three commenters indicated that the normal operating rates may not be known,

especially for new processes prior to startup, for inclusion in a site-specific test plan (paragraph B.1.a).

Response: Since normal operating rates may not be known for new processes prior to startup, sources that cannot establish design rates prior to plan submittal need not submit a numerical design rate but must include a statement that design rates are being developed and will be provided upon determination. However, production limits as described in Section D.5 may be imposed on sources that test at less than their rated capacity.

++36. Comment: Three commenters requested clarification to paragraph H. regarding responsibility for ensuring that Department representatives are provided access to analytical laboratories to observe instrument calibrations and sample analysis.

Response: When a facility or an independent source testing firm conducts sample analysis at its own facility such access can be ensured. Otherwise, owners or operators and consultants need to be mindful of contractual agreements with independent laboratories to ensure that Department representatives can be provided with access to the analytical laboratory for observation of instrument calibrations and analysis of field and audit samples. The text is being reworded to read: "Upon request by the Department, the owner or operator or the source test consultant shall ensure that Department representatives are provided access to the analytical laboratory for observation of instrument calibrations and analysis of field and audit samples."

++37. Comment: Several commenters support the proposed regulation and believe it will save costs by decreasing the number of retests which must be performed.

Response: The Department agrees that the proposed regulation will save costs by decreasing the number of retests which must be performed.

++38. Comment: Several commenters support the proposed regulation and believe the provisions will standardize the procedures and allow some flexibility for all sources required to perform source test.

Response: The Department agrees that the regulation will standardize procedures and allow some flexibility for sources required to perform source tests.

++39. Comment: One commenter requested clarification for when a test plan should be submitted if the test is being done for the facility's own information.

Response: Sources conducting tests in which the results will not be submitted to the Department (e.g. in-house testing), do not have to submit site-specific test plans.

++40. Comment: One commenter requested clarification concerning split samples and performance samples.

Response: Splitting samples and performance audit samples serve as a check by the Department on the validity of the analysis done by the consultant or his contract laboratory. "Split samples" refers to the splitting with the Department of actual emission samples collected during the source test. The Department has its sample analyzed by an independent or Department laboratory and compares the results with those obtained by the consultant. "Performance audit samples" refers to samples the Department obtains from the EPA or Department laboratory which the Department gives to the consultant during the source test. These

performance audit samples are to be analyzed at the same time as the emission samples. The Department compares the results obtained by the consultant to the known values and determines if the analysis is valid.

++41. Comment: One commenter remarked that a definition for "source tests" was not found in the regulation and therefore he is not sure if he is subject to the regulation. For this reason, the commenter suggested that the regulation be withdrawn, revised to include the definition, and republished so that applicability would be clear. The same commenter also requested that the Department include a list of approved emission tests that are exempted from this regulation (such as EPA Methods 9 and 22).

Response: The terms stack tests, source tests and performance tests have been used interchangeably in Federal and State regulations for over 25 years and do not include Visible Emission Evaluations (VEE's) such as EPA Reference Methods 9 or 22. It is well understood at this point what is meant by these terms. The Department is not redefining these terms, only replacing "stack tests" with "source tests" for consistency throughout our regulations. Since we are not introducing a new term, a definition for source tests is not necessary. Therefore, the Department declines to withdraw, revise, and republish the proposed regulation.

++42. Comment: One commenter proposed stylistic changes in various sections of the existing regulations and standards.

Response: Although these suggestions have merit, they do not change the meaning of the existing regulation and we will forego making these changes at this time.

***43. Comment:** One commenter recommended that Source Tests be changed from R.61-62.1, Section V to R.61-62.1, Section IV since Section III is the last section in the existing regulation.

Response: The Department agrees and proposes to renumber Source Tests as R.61-62.1, Section IV.

++44. Comment: Two commenters expressed concern that the length of time required to approve test plans might impede operations at a batch process driven facility.

Response: The requirement to source test when a new product or alteration to an existing process is proposed is determined by the permit engineer on a case-by-case basis. Neither the start-up date of new or altered sources nor the ability to operate pending a demonstration of compliance are affected by test protocol review and approval.

++45 Comment: One commenter suggested that the 60 day exception provided for submittal of Standard No. 8 tests should be eliminated and that all test plans should be submitted 45 days prior to proposed source test dates.

Response: Source tests for substances listed in Standard No. 8 are usually very complex. Often there are no promulgated EPA Methods available for these substances and method development is required. Therefore, a longer review time is necessary for the Department to ensure that the methods developed are adequate.

++46. Comment: One commenter stated that field modifications to test plans are often needed and questioned whether Department observers would have authority to approve these modifications.

Response: Modifications to test plans can be made in the field by Department observers or, if no observers are present, by contacting the Department and getting verbal approval to make the modifications. Modifications made without Department approval will be assessed and test acceptance determined on a case-by-case basis.

++47. Comment: Four commenters suggested that a transition period be outlined in the regulation.

Response: The proposed amendments do not impose any requirements for additional source testing. The Department believes there is sufficient time prior to the effective date of this regulation for an owner or operator to prepare to meet the time lines of the proposed site-specific test plan.

++48. Comment: Five commenters suggested that the notification requirement be eliminated if site-specific test plans are required. Additionally, four commenters believe the regulation implies that source testing may not be conducted if the Department representative is not present.

Response: Test notifications provide the Department time to evaluate which source tests will be observed and schedule resources. The regulation allows testing to proceed with or without an observer provided all notifications have been submitted and site-specific test plan approval has been received.

++49. Comment: Four commenters suggested the regulation is more costly to implement than stated in the preamble. The commenter requested that the Department reevaluate the cost to facilities prior to proceeding with the regulation implementation.

Response: The cost estimates in the preamble were solicited from source test consultants. Although we recognize there is a margin for error, the Department believes these estimates are reasonable for most affected sources.

++50. Comment: Twelve commenters suggested the regulation applicability is too broad and should only apply to source tests required by permit or regulation or where an existing reference test method does not exist.

Response: Source tests are often conducted and submitted to the Department for emission factor development and other purposes. The quality, accuracy, and validity of the data generated from these tests are just as important to both the facility and the Department as data from required tests. Site specific test plans include critical information such as process operational parameters, sample times and volumes, and some QA/QC that is not required in existing reference methods. The Department disagrees that the scope is too broad and has left the text as proposed.

++51. Comment: Four commenters suggested the Department accept the National Council of Air and Stream Improvements (NCASI), Solid Waste-846, and National Institute of Occupational Safety and Health (NIOSH) methods without additional validation.

Response: The Department may approve alternative test methods provided acceptable proof of validation is submitted.

++52. Comment: Three commenters requested that Paragraph C.3 be qualified to state that the requested information be submitted, when applicable.

Response: The Department has added “when applicable” in paragraph C.3.g to avoid the submission of unnecessary data.

++53. Comment: Six commenters requested that the regulation allow facilities to refer to approved reference test methods in lieu of submittal of the information requested in paragraphs C.5 and C.7.

Response: If the sampling and analytical methods required in C.5.a and b are existing EPA reference methods, they may be incorporated by reference. Paragraph C.7.a states that citation of published QA/QC procedures is acceptable when applicable.

++54. Comment: Three commenters requested that paragraph D.6.f be deleted. Three commenters recommended the language be changed to “Equipment and supplies that are necessary for safe testing of a source”.

Response: The Department has substituted the proposed language.

++55. Comment: Two commenters requested that Standard #8 Section IV be deleted from the regulation.

Response: No additional testing requirements have been added. Citation of the new Section IV, Source Tests was added to clarify the requirements for the conduct of source tests.

++56. Comment: Eight commenters requested a language change to clarify that source tests can be conducted at rates other than worst case conditions.

Response: The regulation has been changed to allow for testing at rates other than worst case with Department approval.

++57. Comment: One commenter requested that paragraph G.1 be modified to allow for additional time for sources to determine corrective actions in the event of a non-compliance situation.

Response: It is appropriate to have a preliminary indication within 15 days of interim actions taken to minimize emissions, recognizing that final actions may be different as the situation becomes clearer.

++58. Comment: Two commenters suggested that the Department provide a standard form to be filled out rather than requiring the submittal of a test plan.

Response: The regulation requests the information that is necessary for review of a site-specific test plan but does not stipulate the format. The Department has no plans to develop a form at this time but will consider any format which includes all required information.

++59. Comment: Three commenters felt that the establishment of a deadline for plan submittals and notifications is unduly restrictive and consumes part of the time period allowed for testing by other regulations.

Response: Some regulations define a window to complete testing, especially initial testing of a new source after start-up. Many of these are Federal requirements and are fixed. Planning for testing should be an integral part of constructing and placing any source into operation. Preparation of a site-specific test plan

will help avoid hurried, unplanned testing. Notification of the planned test date is required only two weeks in advance. Flexibility in planning and implementing testing is therefore reduced by two weeks at most if testing is conducted near the end of the defined test period.

++60. Comment: Two commenters suggested that paragraph D.1. should be modified to clarify that it is acceptable to submit the written notification request to conduct source testing along with site-specific test plans.

Response: The language in paragraph D.1. does not prohibit the submittal of notification at the same time as the site-specific test plan.

++61. Comment: Two commenters suggested that paragraph D.2 should be modified to delete the time frames for telephone notification and the requirement for written follow-up.

Response: The Department believes that the notifications are necessary to prevent unnecessary travel and allocation of resources. Written notification provides documentation to the Department regarding causes of test cancellations.

++62. Comment: Four commenters suggested the provisions of paragraph D.4 concerning source tester's training and/or experience are too broad and subject to too much interpretation.

Response: The Department believes that source testing is a highly specialized field that requires a certain degree of familiarity, training and/or experience. While the level of this training is not currently defined, NELAC's proposed source testing accreditation program will address this issue.

++63. Comment: Two commenters suggested that paragraph E.2 should be modified to indicate that the owner or operator will only be obligated to analyze performance audit samples so long as the audit samples provided have relevance to the testing being performed.

Response: The Department provides only relevant audit samples.

++64. Comment: Two commenters suggested that the Department modify the language of paragraph F. to allow acceptance of test reports that do not include all the required data as an accurate representation of compliance status.

Response: The Department believes that all the data requested in the final test report are relevant for determining the compliance status of a source. The acceptance of source test reports with lost or missing information will be made on a case-by-case basis.

++65. Comment: Two commenters suggested that R.61-62.5, Standard No. 1, Section VI should be modified to include additional provisions to exempt sources that operate less than 1,000 hours per year.

Response: Currently there are provisions in place that allow exemptions from source testing requirements in R.61-62.5, Standard No. 1, Section VI for boilers that operate less than 1,081 hours per year.

++66. Comment: One commenter believes that the filing of yearly RATA and quarterly Linearity tests with EPA makes reporting to DHEC redundant and different in format.

Response: The Department has the responsibility to ensure that tests performed in the State are conducted properly; therefore this information must be submitted for review and approval. The formatting of the data required in the final report is flexible as long as the required information is provided.

++67. Comment: One commenter believes that DHEC will have to add substantial resources to meet and oversee the additional workload as a result of the regulation.

Response: The Department anticipates no additional staffing requirements or delays in approval of test plans as a result of this regulation.

++68. Comment: One commenter felt that testing required by a judicial or administrative order, a consent agreement, or other binding requirement prior to the effective date of the regulation should be exempt.

Response: The paragraph on applicability has been revised to address the concerns of the commenter.

++69. Comment: One commenter said that safety issues in paragraph C.4. fall under OSHA and safety should only be addressed when requesting a testing variance due to a particular safety issue.

Response: The Department believes paragraph C.4 is necessary to ensure safety of Department representatives in the conduct of their duties.

++70. Comment: One commenter requested that prior to this proposed regulation going into effect, DHEC issue clearly defined approval criteria for test plans.

Response : Paragraph C establishes minimum acceptable content for a test plan. The Department considers each test plan on its own merit. Because of the wide diversity of proposals, it is not practical to establish approval criteria.

++71. Comment: One commenter requested that process data required by paragraph C.3 which is already in the Department's file should not be required to be resubmitted.

Response: Many times process information contained in files does not address specifics required by this paragraph. The information required in paragraph C.3 is specific to the conditions under which source tests will be conducted and may be different from data on file.

++72. Comment: One commenter requested that the requirement in paragraph D.3 to obtain approval for a retest be changed to a requirement for notification.

Response: The Department has changed paragraph D.3 to read "Rescheduling of canceled source tests must meet the two week notification requirement. However, shorter notification periods may be allowed subject to Department approval".

++73. Comment: One commenter suggested that the regulation should be changed to clearly state that the Department will pay the costs for the analysis of split samples.

Response: Since the Department accepts responsibility for the cost of analyses of its portion of a split sample, no change to the regulation is necessary.

++74. Comment: One commenter suggested that the Department follow the same level of QA/QC in preparing audit samples as the owner/operators will have analyzing them. The commenter suggested a language change to paragraph E.2.

Response: While the level of QA/QC required in paragraph C.7 may not be applicable in all cases, the Department routinely performs prescribed QA/QC measures according to standard operating procedures when preparing samples.

++75. Comment: One commenter suggested the Department remove paragraph E.4 unless it clearly defines what constitutes a method audit success and failure, i.e. all split samples must be ± 30 of each other or the test is invalid.

Response: Performance audit samples are provided with clearly defined acceptable ranges. Split sample acceptable ranges are dependent upon the different analytical techniques used and will be provided to the facility when the request to split samples is made. Remedial actions resulting from failure to meet the split sample acceptability range would include identification and resolution of the problem and reanalysis of the samples.

***76. Comment:** One commenter suggested that paragraph E.4 should be modified to provide the Department discretion to determine an appropriate response to a split sample audit as well as to a performance audit if the sample analysis falls outside an acceptable range.

Response: The language of paragraph E.4 has been changed to include split sample audits.

++77. Comment: One commenter suggested the owner or operator should be allowed to review data collected during a test event and to determine which is relevant for demonstration of compliance in lieu of providing requested data in paragraph C.3.h.

Response: The purpose of the site-specific test plan is for the source to make these determinations prior to the test and eliminate the collection of unnecessary data.

++78. Comment: One commenter requested that the Department delete the identification of risks associated with source testing in paragraph C.4.a since it is their belief these requirements are addressed in paragraph D.6.

Response: The Department disagrees that these paragraphs are redundant. Paragraph C.4.a identifies any safety hazards that may be encountered during the observation of a source test, and D.6 requires the source to provide a safe environment for the conduct of the test.

++79. Comment: Three commenters suggested that the regulation imposes more stringent requirements than Federal or adjacent States' requirements. The commenter suggested that the Department reevaluate the proposed regulation and streamline the requirements.

Response: In its "white paper" in 1994 the State Chamber of Commerce recommended that the Department take the approach of reviewing test protocols and tester credentials as a way of streamlining requirements and providing greater flexibility. The proposed regulation specifies minimum acceptable content for the Department to be able to ensure the quality of a test.

++80. Comment: One commenter expressed concerned that an inadvertent omission of an element required in the site-specific test plan would subject them to enforcement action.

Response: The Department's primary focus is compliance with emission limits. Omissions from the site-specific test plan could cause the plan not to be approved until all the elements are provided.

ATTACHMENT E

October 24, 1997, State Register Notice of Proposed Regulation
for R.61-62.1, Section V, Source Tests
of 61-62 Air Pollution Control Regulations and Standards
Document No. 2244

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: S.C. Code Sections 48-1-30 through 48-1-60 *et seq.*

R.61-62. Air Pollution Control Regulations and Standards

Preamble:

The Department proposes to amend Regulation 61-62, Air Pollution Control Regulations and Standards, to establish, standardize and clarify source testing requirements for all affected source owners or operators and source testers. Currently there are no written regulations which govern site-specific source test plans. Source test requirements have been implemented through EPA and Department-issued guidance and policy. This amendment will specify requirements for a site-specific test plan which will include the following information: a discussion of the test objectives, accessibility and representativeness of sampling locations, process descriptions, sampling and analytical procedures, internal quality assurance/quality control methods, data reduction and reporting procedures, and safety considerations. Also, Regulation 61-62 will be amended to standardize current source test requirements by adding new Section IV, Source Tests, to Regulation 61-62.1, Definitions, Permit Requirements, and Emissions Inventory. Addition of Section IV will require affected source owners or operators to develop site-specific test plans to be submitted for Department approval prior to conducting source tests. The proposed amendments will also standardize existing source test requirements for the conduct of source tests in Regulation 61-62. Additionally, the title of R.62.1, "Definitions, Permit Requirements and Emissions Inventory," will be changed to "Definitions and General Requirements." See Discussion of Proposed Revisions below and the Statement of Need and Reasonableness herein.

A Notice of Drafting for this proposed amendment was published in the State Register on April 25, 1997.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public to attend a staff-conducted informational forum to be held on Monday, November 24, 1997, at 2:30 p.m. on the fourth floor of the Sims Building in Room 4011 at the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201.

Interested persons are also provided an opportunity to submit written comments to Barbara Lewis at South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, S.C. 29201. Written comments must be received no later than 4:00 p.m. Monday, November 24, 1997. Comments received by the deadline will be submitted to the Board in a Summary of Public Comments and Department Responses.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Barbara

Lewis at South Carolina Department of Health and Environmental Control, Bureau of Air Quality, Air Programs Section, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 734-4499.

Notice of Board Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-111:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 11, 1997, to be held in Room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Barbara Lewis at South Carolina Department of Health and Environmental Control, Bureau of Air Quality, Air Programs Section, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 4:00 p.m. on November 24, 1997. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 11, 1997, as noticed above. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions. The proposed regulation will result in more efficient use of Department resources. There will be an added cost for some members of the regulated community who are not presently required to prepare a site-specific source test plan. The major benefits include the consistency of requirements for all sources who perform source tests, the standardization of requirements into a section for ease of use and understanding, and the source testing flexibility afforded the regulated community through the use of a site-specific test plan.

Statement of Need and Reasonableness:

The text of the Statement of Need and Reasonableness is submitted as Attachment A and is omitted here to conserve space.

Text of Proposed Amendment:

The text of the proposed regulation revisions is submitted as Attachments C and is omitted here to conserve space.

ATTACHMENT F

April 25, 1997, Drafting Notice for
Regulation 61-62.1, Definitions, Permit Requirements and Emissions
Inventory, of 61-62 Air Pollution Control Regulations And Standards

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-62, Air Pollution Control Regulations and Standards. Interested persons may submit their views by writing to Barbara Lewis, Air Programs Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 pm on Tuesday, May 27, 1997, the close of the drafting period.

Synopsis:

The Department proposes to amend Regulation 61-62.1 by adding a new Section V, Compliance Source Testing Requirements. Currently there are no written standards governing source tests. Source test requirements have been implemented through Department-issued guidance and policy. The proposed amendments will establish, standardize and clarify source testing requirements for all affected source owners/operators and source testers.

Proposed amendments under consideration include consolidation of existing source test requirements in Regulation 61-62, and addition of new requirements for affected sources to develop site-specific test plans to be submitted to and approved by the Department prior to any source test being performed. Requirements for a site-specific test plan may include, as a minimum, the following information: a detailed discussion of the test objectives, accessibility and representativeness of sampling locations, process descriptions, in-house testing protocol, all sampling and analytical procedures, internal quality assurance/quality control, data reduction and reporting procedures, and safety considerations. Proposed amendments may also include requirements for Department certification of source testers. Legislative review will be required.

END OF ATTACHMENTS

ADDENDUM
Regulation 61-62.1, Section IV, Source Tests
December 11, 1997.

Attachment B, add:

- | | |
|---------------------------|--|
| 61-62.1, Section IV.A.1.b | Language is added to clarify that Relative Accuracy Test Audit (RATA) testing and continuous emission monitor (CEM's) performance specification testing are subject to the regulation but that Linearity Tests are not. Deleted the words "site-specific" pertaining to emission factors. |
| 61-62.1, Section IV.A.2. | Language added to allow for an exemption for development of emission factors and for determination of applicability of regulations. |
| 61-62.1, Section D.2 | Language added to clarify what information is required when a source test is not performed as notified. Changed the word "immediately" to "as soon as practical". |
| 61-62.1, Section F.2.a-s | Adds "when applicable" to clarify when information requested in F.2.a-s is required to be submitted. Deletes "if applicable" in F.2.d. Changes "will be" to "were" in F.2.f. Replace the word "official" with "representative", and delete "certifying" and " was present during the source test and " in F.2.i. |

Attachment C, Replace Number 2.A. Applicability to read:

A. Applicability.

1. This Section shall apply to the owner or operator of any source which conducts:

a1. a source test required under an applicable standard or permit condition; or pursuant to a judicial or administrative order, consent agreement, or any other such binding requirement entered into after the effective date of this standard, or

b2. any other source test from which data will be submitted to the Department for any purpose including but not limited to: determination of applicability of regulatory requirements, development of ~~site-specific~~ emission factors, establishment of parameters for compliance assurance monitoring, continuous emission monitor performance specification testing, and Relative Accuracy Test Audits (RATA).

2. The Department may, on a case-by-case basis, exempt from the requirements of this Section source tests which are performed for development of emission factors or for determination of applicability of regulations.

Attachment C, Replace Number 2.D.2. to read:

2. In the event the owner or operator is unable to conduct the source test on the date specified in the notification, the owner or operator shall notify the Department ~~immediately~~ as soon as practical by telephone

and follow up in writing within 30 days. Telephone notification shall include a description of the circumstance(s) causing the cancellation of the test, and a projected retest date. The written follow-up report shall ~~provide~~include a ~~detailed~~ description of the condition(s) which prevented the source test from being conducted, and when applicable, what corrective action was performed, ~~and~~or what equipment repairs were required.

Attachment C, Replace Number 2.F.2.i. to read:

i. Signature of a responsible facility ~~official~~ representative who ~~was present during the source test and~~ can verify process operating rates and parameters.

Attachment D, The following Department responses have been revised due to comments received after the staff-conducted informational forum but prior to the public hearing:

+, ++7. Comment: Four commenters suggested that in-house source testing for compliance be exempted from regulation. Commenter states that the credible evidence rule makes in-house conducted source tests valid.

Response: If a facility conducts testing for internal, informational purposes only and does not intend to submit the results to the Department, it will not be required to submit a site-specific test plan. A test plan will be required only for purposes such as required compliance demonstrations, establishment of parameters for compliance assurance monitoring, continuous emission monitor performance specification testing, or Relative Accuracy Test Audit (RATA).

++15. Comment: Two commenters questioned whether the provisions of the regulation were applicable to Relative Accuracy Test Audit (RATA) and Linearity Tests.

Response: RATAs are emission tests conducted to verify the accuracy of continuous emission monitoring systems and are subject to this regulation. Linearity and flow tests required by 40 CFR Part 75 (Acid Rain) are not emission tests and would not be subject. Paragraph A.2 has been amended by adding continuous emissions monitor performance specification testing, and RATA tests in the description of applicable tests.

++30. Comment: Five commenters questioned paragraph F.2.i as to whose signature is being requested by the term “responsible facility official” and if that person must be present during testing since process operations can be verified from facility records.

Response: The term “responsible facility official” means a person who can verify that those process operating rates and parameters included in the final source test report are correct (for example, the process operator). The word “official” is being replaced with “representative”. The word “certifying” is being replaced to read “can verify...”, and the phrase “was present during the source test and” is being deleted.

++50. Comment: Twelve commenters suggested the regulation applicability is too broad and should only apply to source tests required by permit or regulation or where an existing reference test method does not exist.

Response: Source tests are often conducted and submitted to the Department for emission factor development and other purposes. The quality, accuracy, and validity of the data generated from these tests are just as important to both the facility and the Department as data from required tests. Site specific test plans include critical information such as process operational parameters, sample times and volumes, and some QA/QC that is not required in existing reference methods. Although the Department strongly recommends the submission and approval of site-specific test plans for all source tests, language has been added to the applicability section

to allow for an exemption, on a case-by-case basis, for source tests which are performed for development of emission factors or for determination of applicability of regulations.

Attachment D, Add new comment and Department response received after the staff-conducted informational forum but prior to the public hearing:

++81. Comment: One commenter requested that the word “immediately” in paragraph D.2 be changed to read “as soon as practical”.

Response: This change has been made.

ATTACHMENT 3

Document Number 2244
South Carolina State Register
June 26, 1998

AGY: Department of Health and Environmental Control 61

PRD: 19971024

EFD: 19980626

EXD: 19980512

REG: 2244

FII: 6

FIV: 22

PRI: 10

PRV: 21

COM: Medical Affairs Committee 13 SMA

Agriculture, Natural Resources and Environmental Affairs Committee 20 HANR

STA: Final

AUT: 48-001-0030 through 48-001-0060

SUB: Air Pollution Control Regulations and Standards--Source Tests

HST: 2244

BY DATE NUM	ACTION DESCRIPTION	COM	ISS/VOL	EXP DATE	R.
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-	19971024	Proposed Reg Published in SR		10/21	
-	19980112	Received by Lt.Gov. & Speaker			19980512
H	19980113	Referred to Committee	HANR 20		
S	19980127	Referred to Committee	SMA 13		
-	19980512	Approved by: Expiration Date		6/22	

TXT:

Document No. 2244
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 et seq.

61-62 Air Pollution Control Regulations and Standards

Synopsis:

Currently there are no written regulations which govern site-specific source test plans. Source test requirements have been implemented through EPA and Department-issued guidance and policy. Pursuant to S.C. Code Section 48-1-30 through 48-1-60, amendment of R.61-62, Air Pollution Control Regulations and Standards, will establish, standardize and clarify source testing requirements for all affected source owners or operators and source testers. The amendment will also require affected source owners or operators to develop site-specific test plans to be submitted for Department approval prior to conducting source tests. This amendment will specify requirements for a site-specific test plan which will include the following information: a discussion of the test objectives, accessibility and representativeness of sampling locations, process descriptions, sampling and analytical procedures, internal quality assurance/quality control methods, data reduction and reporting procedures, and safety considerations. The proposed amendment will standardize current source test requirements by adding a new Section IV, Source Tests, to Regulation 61-62.1, Definitions, Permit Requirements, and Emissions Inventory. Additionally, the title of R.62.1, "Definitions, Permit Requirements and Emissions Inventory," will be changed to "Definitions and General Requirements." Currently this title includes the names of all sections contained in the regulation. The title change to "Definitions and General Requirements" will identify more clearly that the regulation contains many general provisions.

See Discussion of Revisions below and Statement of Need and Reasonableness herein.

Discussion of Revisions

SECTION CITATION

CHANGE:

61-62.1	The title of the regulation has changed to "Definitions and General Requirements." Currently this title includes the names of all of the sections contained in the regulation. The title change to Definitions and General Requirements will identify more clearly that the regulation contains many general provisions.
61-62.1, Section IV.	New section with requirements for source testing is added.
61-62.1, Section IV.A.1	Language is added as a result of a comment to clarify applicability.
61-62.1, Section IV.A.1.b	Language is added to clarify that Relative Accuracy Test Audit (RATA) testing and continuous emission monitor performance specification testing (CEM's) are subject to the regulation but that Linearity Tests are not. Deleted the words "site-specific" pertaining to emission factors.

61-62.1, Section IV.A.2. emission	Language added to allow for an exemption for development of factors and for determination of applicability of regulations.
61-62.1, Section IV.B.1.a.& Section IV.B.5.a.&b.	Language is added to clarify submittal requirements for owners or operators with previously approved site-specific test plans.
61-62.1, Section IV, C.4.a	The words “all potential associated risk...” are replaced with “any risk associated...”.
61-62.1, Section IV.6.c	The words “when applicable” are added to clarify requirement.
61-62.1, Section C.8.b&c	Language added to requirement to clarify the information being requested.
61-62.1, Section D.1	Language added to clarify that this requirement is also applicable to a previously approved test plan submittal.
61-62.1, Section D.2	Language added to clarify what information is required when a source test is not performed as notified. Changed the word “immediately” to “as soon as practical”.
61-62.1, Section D.3	Language added in response to a comment to clarify the intent of the requirement.
61-62.1, Section D.6.c&d	The word “platforms” is replaced with “sites”.
61-62.1, Section D.6.f	Language added in response to a comment to clarify the intent of the requirement.
61-62.1, Section E.4	Deletes the word “sole”.
61-62.1, Section F.2.a-s	Adds “when applicable” to clarify when information requested in F.2.a-s is required to be submitted. Deletes “if applicable” in F.2.d. Changes “will be” to “were” in F.2.f. Replaces the word “official” with “representative”, and deletes “certifying” and “ was present during the source test and ” in F.2.i.
61-62.1, Section G.	Changes the word “of” to “after” to clarify introductory paragraph.
61-62.1, Section G.2	Deletes item G.2 and rennumbers entire paragraph.
61-62.1, Section H.	Adds language to clarify that requirement is also applicable to source test consultants.
61-62.1, Section II.G.4.(d)	The existing text revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 1, Section VI	The existing introductory text is revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.

61-62.5, Standard No. 1, Section VII	The existing text of Section VII is revised and moved to the new source test regulation, 61-62.1, Section IV, Source Tests. Section VII will be reserved for future use.
61-62.5, Standard No. 3, Section VIII.A.	The existing text revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 3, Section IX	The existing text of Section IX revised and moved to the new source test regulation, 61-62.1, Section IV, Source Tests. Section IX will be reserved for future use.
61-62.5, Standard No. 3.1, and Section VI, Part A, Items 1 through 5	The word "stack" has been replaced with "source" in items 1, 2, 3 5. The word "facility" changed to "incinerator" in item 2. The text in item 3 changed to reference the new source test section. In item 5 the acronym "BAQC" has been replaced with the word "Department" for consistency.
61-62.5, Standard No. 3.1, Section IX	The existing text of Section IX revised and moved to the new source test regulation, 61-62.1, Section IV, Source Tests. Section IX reserved for future use.
61-62.5, Standard 3.1,	The existing text revised to specify who is responsible for ensuring Section X.C source tests are performed and to provide a requirement for complying with the proposed source test section. The words "stack sampling" are replaced with the words "source tests" for consistency.
61-62.5, Standard No. 4,	The existing text revised to specify who is responsible for ensuring Section XII.A source tests are performed and to provide a requirement for complying with the proposed source test section. The introductory text of Section XII.A has been changed.
61-62.5, Standard No. 4,	The existing text revised to specify who is responsible for ensuring Section XII.A.5 source tests are performed and to provide a requirement for complying with the proposed source test section. Text from R.62.5, Standard 4, Section XIII.A pertaining to asphalt plants has been moved to be included in item 5.
61-62.5, Standard No. 4, Section XII.B	The existing text revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 4,	The text of Section XIII, except for text addressing asphalt plants, has Section XIII been revised and moved to the proposed R.61-62.1, Section IV, Source Tests. The text addressing asphalt plants moved to Section XII of Standard No. 4, and Section XIII reserved for future use.

61-62.5, Standard 5, Section I, Part E	The existing introductory text revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the new source test section.
61-62.5, Standard 5, Section I, Part E.2.b	The word “stack” has changed to “source” for clarification and consistency.
61-62.5, Standard 5, Section I, Part E.4	The existing text revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the new source test section.
61-62.5, Standard 5, Section I, Part E, Items 5 through 12	The existing text of items 5 through 12 has been deleted since it is identical to text which has already been revised and moved to the new source test section.
61-62.5, Standard 5.1, Section III	The existing introductory text revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the new source test section.
61-62.5, Standard 5.1, Section III.A.3	The word “stack” has been changed to “source” for clarification and consistency.
61-62.5, Standard 5.1, Section III.B.2	The word “stack” has been changed to “source” for clarification and consistency.
61-62.5, Standard 5.1,	The existing text of items D through L has been deleted since it is identical to text which has already been revised and moved to the proposed source test section.
61-62.5, Standard No. 8, Section IV	The existing introductory text to specify who is Responsible for ensuring source tests are performed, and to provide a requirement for compliance with the proposed source test section.

Instructions: Amend R.61-62 pursuant to the instructions provided with the text of the amendment below.

Text:

1. Replace title of Regulation 61-62.1 to read:

61-62.1, Definitions and General Requirements

2. Add Regulation 61-62.1, Section IV, Source Tests, to read:

61-62.1, Section IV - Source Tests

A. Applicability.

1. This Section shall apply to the owner or operator of any source which conducts:

a. a source test required under an applicable standard or permit condition; or pursuant to a judicial or administrative order, consent agreement, or any other such binding requirement entered into after the effective date of this standard, or

b. any other source test from which data will be submitted to the Department for any purpose including but not limited to: determination of applicability of regulatory requirements, development of emission factors, establishment of parameters for compliance assurance monitoring, continuous emission monitor performance specification testing, and Relative Accuracy Test Audits (RATA).

2. The Department may, on a case-by-case basis, exempt from the requirements of this Section source tests which are performed for development of emission factors or for determination of applicability of regulations.

B. Submission and Approval of a Site-Specific Test Plan.

1. Prior to conducting a source test subject to this Section, the owner or operator shall ensure that:

a. a written site-specific test plan including all of the information required in paragraph C below has been developed and submitted to the Department. If the Department has previously approved a site-specific test plan the owner or operator may submit a letter which references the approved plan and which includes a thorough description of amendments to the plan; and

b. written Department approval of the site-specific test plan, methods, and procedures has been received.

2. All test methods included in the site-specific test plan must be either EPA Reference Methods described in, 40 CFR Part 51, Appendix M, or 40 CFR Part 60, Appendix A, or 40 CFR Part 61, Appendix B, or 40 CFR Part 63, Appendix A or Department-approved alternative test methods.

3.a. The owner or operator of a source proposing to use alternative source test methods shall ensure that the alternative source test method is either validated according to EPA Reference Method 301 (40 CFR Part 63, Appendix A, December 29, 1992), and any subsequent amendments or editions, or approved by the Department.

b. The owner or operator shall ensure that requests for approval of alternative source test methods are submitted to the Department along with the site-specific test plan, and that the submission contains all of the information required by paragraph C below.

4. The Department shall determine whether any source test method proposed in the site-specific test plan is appropriate for use.

5.a. The owner or operator shall submit site-specific test plans or a letter which amends a previously approved test plan at least 45 days prior to the proposed test date. Sources conducting tests for substances listed in Regulation 61-62.5, Standard No. 8, shall submit site-specific test plans or a letter which amends a previously approved test plan at least 60 days prior to the proposed test date.

b. If the only amendments to a previously approved test plan are to facility information included in paragraph C.1 below, the requirement in B.5.a will not apply. The owner or operator, however, shall submit the amendments at least two weeks prior to the proposed test date.

6. Within 30 days of site-specific test plan receipt, the Department will notify the owner or operator of site-specific test plan approval or denial or will request additional information.

7. The owner or operator shall submit any additional information requested by the Department necessary to facilitate the review of the site-specific test plan.

8. Approval of a site-specific test plan for which an owner or operator fails to submit any additional requested information will be denied.

9. Neither the submission of a site-specific test plan, nor the Department's approval or disapproval of a plan, nor the Department's failure to approve or disapprove a plan in a timely manner shall relieve an owner or operator of legal responsibility to comply with any applicable provisions of this Section or with any other applicable Federal, State, or local requirement, or prevent the Department from enforcing this Section.

C. Requirements for a Site-Specific Test Plan.

A site-specific test plan shall include, at a minimum, the following:

1. Facility Information:

- a. Facility name, address, and telephone number, and name of facility contact.
- b. Facility permit number and source identification number.
- c. Name, address, and telephone number of the company contracted to perform the source test.
- d. Name, address, and telephone number of the laboratory contracted to perform the analytical analysis of the source test samples.

2. Test Objectives:

- a. Description and overall purpose of the tests (for example, to demonstrate compliance, to establish emission factors, etc.).
- b. Citation of any applicable State or Federal regulation or permit condition requiring the tests.

3. Process Descriptions:

- a. Description of the process including a description of each phase of batch or cyclic processes, and the time required to complete each phase.
- b. Process design rates and normal operating rates.
- c. Proposed operating rate and conditions for the source test.
- d. Methods including proposed calculations, equations, and other related information that will be used to demonstrate and verify the operating rate during the source test.
- e. Description of any air pollution control equipment.
- f. Description of any stack gas or opacity monitoring systems.
- g. A description of all air pollution control monitors (for example, pressure gauges, flow indicators, cleaning cycle timers, electrostatic precipitator voltage meters, etc.) when applicable.
- h. A list of process and air pollution control operating parameters that will be recorded during the tests, the responsible party who will record these readings, and the frequency at which readings will be recorded.

4. Safety Considerations:

- a. Identification of any risks associated with sampling location and accessibility, toxic releases, electrical hazards, or any other unsafe conditions, and a plan of action to correct or abate these hazards.

b. List of all necessary or required safety equipment including respirators, safety glasses, hard hats, safety shoes, hearing protection, and other protective equipment.

5. Sampling and Analytical Procedures:

- a. Description of sampling methods to be used.
- b. Description of analytical methods to be used.
- c. Number of tests to be conducted.
- d. Number of runs comprising a test.
- e. Duration of each test run.
- f. Description of minimum sampling volumes for each test run.
- g. Location where samples will be recovered.
- h. Explanation of how blank and recovery check results and analytical non-detects will be used in final emission calculations.
- i. Maximum amount of time a sample will be held after collection prior to analysis.
- j. Method of storing and transporting samples.

6. Sampling Locations and Documentation:

- a. Schematics of sampling sites (include stack dimensions and distances upstream and downstream from disturbances).
- b. A description of all emission points, including fugitive emissions, associated with the process to be tested, and when applicable, the method that will be used to measure or include these emissions during the source test.
- c. Procedure for verifying absence of cyclonic or non-parallel stack gas flow.

7. Internal Quality Assurance/Quality Control (QA/QC) Measures. For each proposed test method when applicable:

- a. Citation of the QA/QC procedures specified in the EPA Reference Methods and the EPA Quality Assurance Handbook for Air Pollution Measurement Systems, Volume III.
- b. Chain-of-custody procedures and copies of chain-of-custody forms.
- c. Procedure for conditioning particulate matter filters (before and after source testing).
- d. Procedure for conducting leak checks on vacuum lines, pitot tubes, flexible bags, orsats, etc.
- e. Equipment calibration frequencies, ranges, and acceptable limits.
- f. Minimum detection limits of analytical instrumentation.
- g. Names, addresses and responsible persons of all sub-contracting laboratories and a description of analytical methods to be used, chain-of-custody procedures and QA/QC measures.
- h. QA/QC measures associated with the collection and analysis of process or raw material samples and the frequency at which these samples will be collected.
- i. Methods for interference and matrix effects checks, and number of replicate analyses.
- j. Methods and concentrations for internal standards (standards additions prior to extraction).
- k. Methods and concentrations for surrogate standards (standards additions to collection media prior to sampling).
- l. Methods for recovery checks, field blanks, lab blanks, reagent blanks, proof rinse blanks, and analytical blanks.
- m. Proposed range of recoveries for data acceptability and method of data interpretation if sample recovery is not within the proposed range.

8. Final Test Report Content:

- a. Final report outline.
- b. Example calculations when using alternative test methods or for calculation of process operating rates.
- c. Proposed report submission date if more than 30 days after the source test will be needed to complete the report.

D. Notification and Conduct of Source Tests.

1. Prior to conducting a source test subject to this Section, the owner or operator shall ensure that written notification is submitted to the Department at least two weeks prior to the test date. Submission of a site-specific test plan or amendments to a previously approved test plan does not constitute notification.

2. In the event the owner or operator is unable to conduct the source test on the date specified in the notification, the owner or operator shall notify the Department as soon as practical by telephone and follow up in writing within 30 days. Telephone notification shall include a description of the circumstance(s) causing the cancellation of the test, and a projected retest date. The written follow-up report shall include a description of the condition(s) which prevented the source test from being conducted, and when applicable, what corrective action was performed, or what equipment repairs were required.

3. Rescheduling of canceled source tests must meet the two-week notice requirement. However, shorter notification periods may be allowed subject to Department approval.

4. All tests shall be made by, or under the direction of, a person qualified by training and/or experience in the field of air pollution testing.

5. Unless approved otherwise by the Department, the owner or operator shall ensure that source tests are conducted while the source is operating at the maximum expected production rate or other production rate or operating parameter which would result in the highest emissions for the pollutants being tested. Examples of the operating parameters that may effect emission rates are: type and composition of raw materials and fuels, isolation of control equipment modules, product types and dimensions, thermal oxidizer combustion temperature, atypical control equipment settings, etc. Some sources may have to spike fuels or raw materials to avoid being permitted at a more restrictive feed or process rate. Any source test performed at a production rate less than the rated capacity may result in permit limits on emission rates, including limits on production if necessary.

6. When conducting a source test subject to this Section, the owner or operator of a source shall provide the following:

- a. Department access to the facility to observe source tests.
- b. Sampling ports adequate for test methods.
- c. Safe sampling site(s).
- d. Safe access to sampling site(s).
- e. Utilities for sampling and testing equipment.
- f. Equipment and supplies necessary for safe testing of a source.

E. Source Test Method Audit Program.

1. The Department may request that samples collected during any source tests be split with the Department for analysis by an independent or Department laboratory. Any request for split samples will be made in advance of the source test.

2. The owner or operator shall analyze performance audit samples provided by the Department. If the Department does not provide performance audit samples to the owner or operator, the Department thereby waives the requirement to conduct a performance audit.

3. A waiver of performance audit requirements to conduct a performance audit for a particular source test under E.2 above does not constitute a waiver of performance audit requirements for future source tests.

4. The Department shall have discretion to require any subsequent remedial actions of the owner or operator based on the split samples and/or performance audit results.

F. Final Source Test Report.

1. The owner or operator of a source subject to this Section shall submit a written report of the final source test results to the Department by the close of business on the 30th day following the completion of the test, unless an alternative date has been requested in and approved with the site-specific test plan prior to testing or is otherwise specified in a relevant Federal or State standard.

2. The final test report for each site-specific test plan shall contain, at a minimum, the following supporting information when applicable:

- a. Summary of the results.
- b. Emission calculations and emission rates in units of the applicable standard, permit limit, etc.
- c. Allowable emission rates in units of the applicable standard, permit limit, etc.
- d. Source compliance status.
- e. Process operating rates.
- f. Methods including actual calculations, equations, and other related information that were used to demonstrate and verify the operating rate during the source test.
- g. Chain of custody records.
- h. Certification of all reference standards used.
- i. Signature of a responsible facility representative who can verify process operating rates and parameters.
- j. Legible copies of all raw laboratory data (for example, filter tare and final weights, titrations, chromatograms, spectrograms, analyzer measurements, etc.).
- k. Legible copies of all raw field data (for example, strip charts, field data forms, field calibration forms, etc.).
- l. Legible copies of applicable stack gas or opacity monitoring system readings identified in the approved site-specific test plan.
- m. Legible copies of all applicable process and air pollution control operating parameter readings identified in the approved site-specific test plan.
- n. Results of all calibrations and QA/QC measures and checks identified in the approved site-specific test plan.
- o. Results of performance audits pursuant to paragraph E.
- p. Description of any deviations from the proposed process operations as approved in the site-specific test plan during testing.
- q. Description of any deviations from approved sampling methods/procedures.
- r. Description of any deviations from approved analytical procedures.

s. Description of any problems encountered during sampling and analysis, and explanation of how each was resolved.

G. Non-Compliant Results.

1. Within fifteen days of submission of a test report indicating non-compliance, the owner or operator shall submit to the Department a written plan which includes at a minimum:

- a.. interim actions being taken to minimize emissions pending demonstration of compliance;
- b. corrective actions that have been taken or that are proposed to return the source to compliance;
- c. method that will be used to demonstrate the source has returned to compliance (for example, retest and proposed date);
- d. any changes necessary to update the site-specific test plan prior to a retest.

H. Analytical Observation. Upon request by the Department, the owner or operator or the source test consultant shall ensure that Department representatives are provided access to the analytical laboratory for observation of instrument calibrations and analysis of field and audit samples.

I. Site Inspection. Upon request by the Department and prior to approval of the site-specific test plan, the owner or operator shall ensure Department representatives are provided access to the site for inspection of the source(s) to be tested.

J. Modifications. Modifications to the approved site-specific test plan must have prior Department approval. Approval shall be considered on a case-by-case basis. Failure to obtain prior Department approval may cause final test results to be unacceptable.

3. Replace 61-62.1, Section II,G.4.(d) to read:

(d) An owner or operator of stationary sources that desire or are required to conduct performance tests to verify emissions limitations shall ensure that source tests are conducted in accordance with the provisions of R.61-62.1, Section IV, Source Tests.

4. Replace 61-62.5, Standard 1, Section VI, Introduction to read; Subparts A-C remain the same:

SECTION VI - PERIODIC TESTING. An owner or operator of any source listed below shall ensure that scheduled periodic tests for particulate matter emissions are conducted every two years or as required by permit conditions and are performed in accordance with the provisions of R.61-62.1, Section IV, Source Tests. An owner or operator shall demonstrate compliance with sulfur dioxide emissions by source testing, continuous monitoring, or fuel analysis as required by permit conditions.

5. Replace 61-62.5, Standard 1, Section VII to read:

SECTION VII - [RESERVED]

6. Replace 61-62.5, Standard 3, Section VIII.A to read:

A. An owner or operator of any source listed in paragraph C below shall ensure that scheduled periodic tests for the parameters associated with that source are conducted in accordance with R.61-62.1, Section IV, Source Tests. These tests will be performed when evaluating a source at the time an operating permit is first being issued and every two years thereafter, except as noted otherwise. This requirement to

conduct tests may be waived if an alternative method for determining emissions can be developed which is acceptable to the Department.

7. Replace R.61-62.5, Standard 3, Section IX to read:

SECTION X - [RESERVED]

8. Replace 61-62.5, Standard 3.1, Section VI, Part A, Items 1 through 5 to read:

A. General

1. For incinerator facilities in existence before May 25, 1990, source testing must be conducted within one year of the effective date of this Standard. For owners or operators with an approved schedule of corrective action, source testing will be conducted as specified in the approved schedule.

2. For incinerator facilities where construction commenced on or after May 25, 1990, source testing must be conducted within 60 days after achieving the maximum production rate at which the incinerator will be operated, but no later than 180 days after initial start-up.

3. Source testing shall be conducted in accordance with R.61-62.1, Section IV, Source Tests.

4. Hospitals and/or medical care facilities who implement a program to eliminate chlorinated plastics from the waste stream to be incinerated and abide by it will not be required to test for HCl emissions from their incinerator(s).

5. The Department may require air contaminant source testing to assure continuous compliance with the requirements of this Standard and any emission limit stipulated as a permit condition.

9. Replace R.61-62.5, Standard 3.1, Section IX to read:.

SECTION IX - [RESERVED]

10. Replace R.61-62.5, Standard 3.1, Section X.C to read:

C. The required analysis in A. or B. must show that predicted concentrations do not exceed the following applicable annual ambient concentrations. Levels exceeding these concentrations have been determined by the Department to be unacceptable.

<u>Contaminants</u>	<u>Ambient Concentration</u> <u>ug/m³</u>
Arsenic and compounds	0.23×10^{-3}
Beryllium and compounds	0.42×10^{-3}
Cadmium and compounds	0.56×10^{-3}
Hexavalent Chromium and compounds	0.83×10^{-4}
Lead and compounds	0.50
Mercury and compounds	0.08
Nickel and compounds	0.33×10^{-2}
PCDD & PCDF expressed as 2,3,7,8	0.30×10^{-7}

TCDD equivalents

Compliance shall be verified by source testing as described in Section VI. The owner or operator shall ensure that source tests are conducted in compliance with R.61-62.1, Section IV, Source Tests. Using the actual stack emission rates, the exhaust parameters from each test and the dispersion modeling techniques specified in the application as approved by the Department the calculated maximum annual ambient concentrations shall not exceed the above levels.

11. Replace R.61-62.5, Standard 4, Section XII.A Introduction to read; Subparts 1-7 remain the same:

A. Particulate Matter Emissions and/or Sulfur Dioxide (SO₂)

An owner or operator of a source listed below shall perform scheduled periodic tests for particulate matter emissions and/or sulfur dioxide every two years except as noted, or on a schedule as stipulated by special permit conditions, and shall ensure that source tests are conducted in accordance with R.61-62.1, Section IV, Source Tests.

12. Replace R.61-62.5, Standard 4, Section XII.A.5 to read:

5. Asphalt plants. Asphalt plants that have a baghouse operating in a satisfactory manner with sufficiently low visible emissions may be exempted at the discretion of the Department. Asphalt plants will be required to produce "surface mix" during compliance source testing. "Surface mix" is hot laid asphaltic concrete surface courses (except sand asphalt surface mix) as defined in Section 403 of the 1986 edition of the South Carolina State Highway Department's "Standard Specifications for Highway Construction" manual. The Department may, at its discretion, waive this requirement if sufficient evidence indicates that less than 25% of the plant's total annual production is surface mix.

13. Replace R.61-62.5, Standard 4, Section XII.B to read:

B. Total Reduced Sulfur (TRS)

An owner or operator of a source which must comply with Section XI must perform scheduled periodic tests for TRS every two years or on a schedule as stipulated by special permit conditions and shall ensure that source tests are conducted in accordance with R.61-62.1, Section IV, Source Tests.

14. Replace R.61-62.5, Standard 4, Section XIII to read:

SECTION XIII - [RESERVED]

15. Replace R.61-62.5, Standard 5, Section I, Part E Introduction to read; Subparts 1-12 remain the same:

The owner or operator of any volatile organic compound source required to comply with Section II shall, at his own expense, conduct source tests in accordance with the provisions of R.61-62.1, Section IV, Source Tests, to demonstrate compliance unless the Department determines that the compliance status of the source can be monitored as described in Part F.

16. Replace R.61-62.5, Standard 5, Section I, Part E.2.b to read:

b. The indicated values are maintained at a level no less than that recorded during the last source test during which compliance was verified, and

17. Replace R.61-62.5, Standard 5, Section I, Part E.4 to read:

4. An owner or operator of a source shall ensure that source tests are conducted in accordance with Regulation 61-62.1, Section IV, Source Tests.

18. Delete R.61-62.5, Standard 5, Section I, Part E, Items 5 through 12.

19. Replace R.61-62.5, Standard 5.1, Section III, Introduction to read; Subparts A-L remain the same:

The owner or operator of any volatile organic compound source required to comply with this Standard shall, at his own expense, conduct source tests in accordance with the provisions of R.61-62.1, Section IV, Source Tests, to demonstrate compliance unless the Department determines that the compliance status of the source can be monitored as described in Section IV, below. If tests are required, the following conditions shall apply:

20. Replace R.61-62.5, Standard 5.1, Section III.A.3 to read:

3. every four (4) years for sources utilizing flame incineration provided the source operates, calibrates, and maintains a recorder for each incinerator which continuously records the combustion zone temperature and such temperature is maintained at a value no less than that recorded during the last source test during which compliance was verified.

21. Replace R.61-62.5, Standard 5.1, Section III.B.2 to read:

2. the indicated values are maintained at a level no less than that recorded during the last source test during which compliance was verified, and

22. Delete 61-62.5, Standard 5.1, Section III, Parts D through L.

23. Replace R.61-62.5, Standard 8, Section IV to read:

IV. SOURCE TEST REQUIREMENTS.

The owner or operator of all sources of toxic air pollutants shall conduct such tests as required by the Department to verify toxic air pollutant emission rates. An owner or operator shall ensure that source tests are conducted in compliance with the requirements of R.61-62.1, Section IV, Source Tests.

Statement of Need and Reasonableness

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R61-62, Air Pollution Control Regulations and Standards.

Purpose: Amendment of R.61-62.1, Section IV will establish, standardize and clarify source testing requirements for all affected source owners or operators and source testers. See Preamble and Discussion of Revisions above.

Legal Authority: The legal authority for R.61-62 is Section 48-1-30 through 48-1-60, 1976 S.C. Code of Laws.

Plan for Implementation: The amendment will take effect upon approval by the General Assembly and publication in the *State Register*. The amendment will be implemented by providing the regulated community with copies of the amendment to the regulation and by staff-conducted training sessions.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The current regulatory requirements for source testing are included in various sections of several regulations and standards in Regulation 61-62, *Air Pollution Control Regulations and Standards*. The title of Regulation 61-62.1 will be changed from *Definitions, Permit Requirements, and Emissions Inventory* to *Definitions and General Requirements*. Currently there are no written regulations which govern site-specific source test plans, and source test requirements are implemented through Department-issued guidance and policy. The amendment will establish, standardize and clarify source testing requirements for source owners or operators and source testers. Reviewing and approving a site-specific source test plan will give the Department an opportunity to identify and address any deficiencies prior to testing and will ensure that sources and source testers use prescribed and approved methods and procedures during testing. Under existing requirements, facility owners or operators must coordinate source testing schedules to ensure that a Department representative can observe every source test performed. Owners and operators of sources with approved site-specific test plans will have more flexibility in conducting source tests, since Department representatives may elect not to be present to observe each test.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased costs to the State or its political subdivisions. The proposed regulation will result in more efficient use of Department resources. There will be an added cost for some members of the regulated community who are not presently required to prepare a site-specific source test plan. The major benefits include the consistency of requirements for all sources which perform source tests, the standardization of requirements into a single section for ease of use and understanding, and the source testing flexibility afforded the regulated community through the use of an approved site-specific source test plan. The amendment will result in more efficient use of Department resources through expeditious reviews of source test reports and by reducing the need to observe all source tests. Another benefit is a reduction in the number of retests required because of improper test method utilization and unrepresentative source operating parameters.

External Cost:

Current Bureau of Air Quality guidelines require that facilities conducting complex source tests for pollutants listed in Regulation 61-62.5, Standard Number 8, submit test plans prior to conducting source tests. These facilities should not be affected by the proposed regulation. Other affected facilities should expect an increase in the cost of source tests because of the additional costs associated with the preparation of site-specific test plans. Facilities with multiple sources can consolidate many of their tests into one site-specific test plan for substantial overall savings. Average projected additional annual costs are \$400 for single source facilities and \$821 for multiple source facilities. These projections are based on source tests conducted in calendar years 1995-1996.

UNCERTAINTIES OF ESTIMATES: The cost of site-specific test plan preparation has been estimated based on fee information furnished by several source testing firms. Uncertainty of total costs of implementing this regulation are affected by the variability of costs from different source testing firms, the ability of facilities to consolidate tests and final consolidation costs at multiple source facilities. The

uncertainties of the projected estimated costs to the regulated community include considerations such as the number of sources and emission points being tested.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The amendment will clarify source test requirements and be consistent with current State and Federal requirements. The amendment will provide a better means for quantifying air emissions to the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: If this regulation is not promulgated, source test procedures will remain inconsistent, unacceptable source test methods may be used, and there will be less certainty about actual air emissions to the environment.

ATTACHMENT 4

Notice of Drafting
Published in the *State Register*
April 25, 1997

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Subregulation 61-62.1, Definitions, Permit Requirements, and Emissions Inventory, of the 61-62 Air Pollution Control Regulations and Standards. Interested persons may submit their views by writing to Barbara Lewis, Air Programs Section, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 pm on Tuesday, May 27, 1997, the close of the drafting period.

Synopsis:

The Department proposes to amend Subregulation 61-62.1 by adding a new Section IV, Compliance Source Testing Requirements. Currently there are no written standards governing source tests. Source test requirements have been implemented through Department-issued guidance and policy. The proposed amendments will establish, standardize and clarify source testing requirements for all affected source owners/operators and source testers.

Proposed amendments under consideration include consolidation of existing source test requirements in Regulation 61-62, and addition of new requirements for affected sources to develop site-specific test plans to be submitted to and approved by the Department prior to any source test being performed. Requirements for a site-specific test plan may include, as a minimum, the following information: a detailed discussion of the test objectives, accessibility and representativeness of sampling locations, process descriptions, in-house testing protocol, all sampling and analytical procedures, internal quality assurance/quality control, data reduction and reporting procedures, and safety considerations. Proposed amendments may also include requirements for Department certification of source testers. Legislative require will be required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF DENTISTRY

CHAPTER 39

Statutory Authority: 1976 Code Section 40-15-140

Notice Of Drafting:

The South Carolina Board of Dentistry is considering drafting regulations concerning continuing education hours in order to eliminate confusion rising from the current three year cycle. Interested persons should submit their views in writing to Mr. Rion Alvey, Administrator, Board of Dentistry, Department of Labor, Licensing and Regulation, P.O. Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

Revisions are being considered which will replace requirements for continuing education which can be accrued for up to three years with year to year requirements. This regulation will also add a requirement that dental hygienist complete an approved CPR course within three (3) years of licensure or renewal and will require both dentists and hygienist to be recertified in CPR once every three years. Licensees shall also, upon

ATTACHMENT 5

Notice of Proposed Regulation
Published in the *State Register*
October 24, 1997

Text:

The full text of this regulation is available on the WEB. If you do not have access to the WEB the text may be obtained from the promulgating agency.

The South Carolina General Assembly
Home Page
www.lpittr.state.sc.us

Document No. 2244

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Sections 48-1-30 through 48-1-60 *et seq.*

R.61-62. Air Pollution Control Regulations and Standards

Preamble:

The Department proposes to amend Regulation 61-62, Air Pollution Control Regulations and Standards, to establish, standardize and clarify source testing requirements for all affected source owners or operators and source testers. Currently there are no written regulations which govern site-specific source test plans. Source test requirements have been implemented through EPA and Department-issued guidance and policy. This amendment will specify requirements for a site-specific test plan which will include the following information: a discussion of the test objectives, accessibility and representativeness of sampling locations, process descriptions, sampling and analytical procedures, internal quality assurance/quality control methods, data reduction and reporting procedures, and safety considerations. The proposed amendments will also require affected source owners or operators to develop site-specific test plans to be submitted for Department approval prior to conducting source tests. The proposed amendment will standardize current source test requirements by adding new Section V, Source Tests, to Subregulation 61-62.1, Definitions, Permit Requirements, and Emissions Inventory. Additionally, the title of R.62.1, "Definitions, Permit Requirements and Emissions Inventory," will be changed to "Definitions and General Requirements." Currently this title includes the names of all sections contained in the sub-regulation. The title change to "Definitions and General Requirements" will clarify that the sub-regulation contains general provisions. See Discussion of Proposed Revisions below and the Statement of Need and Reasonableness herein.

A Notice of Drafting for this proposed amendment was published in the State Register on April 25, 1997.

Discussion of Proposed Revisions:

SECTION CITATION

CHANGE:

61-62.1

The title of the subregulation is changed to "Definitions and General Requirements." Currently this title includes the names of all of the sections contained in the sub-regulation. The title change to Definitions and General Requirements will identify more clearly that the sub-regulation contains many general provisions.

61-62.1, Section V.	New section is added with requirements for source testing.
61-62.1, Section II.G.4.(d)	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 1, Section VI	The existing introductory text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 1, Section VII	The existing text of Section VII is being revised and moved to the proposed source test regulation, 61-62.1, Section V, Source Tests. Section VII will be reserved for future use.
61-62.5, Standard No. 3, Section VIII.A.	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 3, Section IX	The existing text of Section IX is being revised and moved to the proposed source test regulation, 61-62.1, Section V, Source Tests. Section IX will be reserved for future use.
61-62.5, Standard No. 3.1, Section VI, Part A, Items 1 through 5	The word "stack" is being replaced with "source" in items 1, 2, 3 and 5. The word "facility" is being changed to "incinerator" in item 2. The text in item 3 is being changed to reference the new source test section. In item 5 the acronym "BAQC" is being replaced with the word "Department" for consistency.
61-62.5, Standard No. 3.1, Section IX	The existing text of Section IX is being revised and moved to the proposed source test regulation, 61-62.1, Section V, Source Tests. Section IX will be reserved for future use.
61-62.5, Standard 3.1, Section X.C	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section. The words "stack sampling" are being replaced with the words "source tests" for consistency.
61-62.5, Standard No. 4, Section XII.A	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section. The introductory text of Section XII.A will be changed.
61-62.5, Standard No. 4, Section XII.A.5	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section. Text from R.62.5, Standard 4, Section XIII.A pertaining to asphalt plants is being moved to be included in item 5.

61-62.5, Standard No. 4, Section XII.B	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
61-62.5, Standard No. 4, Section XIII	The text of Section XIII, except for text addressing asphalt plants, will be revised and moved to the proposed R.61-62.1, Section V, Source Tests. The text addressing asphalt plants will be moved to Section XII of Standard No. 4, and Section XIII will be reserved for future use.
61-62.5, Standard 5, Section I, Part E	The existing introductory text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
R.61-62.5, Standard 5, Section I, Part E.2.b	The word "stack" is being changed to "source" for clarification and consistency.
R.61-62.5, Standard 5, Section I, Part E.4	The existing text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
R.61-62.5, Standard 5, Section I, Part E, 5 through 12	The existing text of items 5 through 12 will be deleted since it is identical to text which has already been revised and moved to the Items proposed source test section.
R.61-62.5, Standard 5.1, Section III	The existing introductory text is being revised to specify who is responsible for ensuring source tests are performed and to provide a requirement for complying with the proposed source test section.
R.61-62.5, Standard 5.1, Section III.A.3	The word "stack" is being changed to "source" for clarification and consistency.
R.61-62.5, Standard 5.1, Section III.B.2	The word "stack" is being changed to "source" for clarification and consistency.
R.61-62.5, Standard 5.1, Section III, Parts D and L	The existing text of items D through L will be deleted since it is identical to text which has already been revised and moved to the proposed source test section.
R.61-62.5, Standard No. 8, Section IV	The existing introductory text is being revised to specify who is responsible for ensuring source tests are performed, and to provide a requirement for compliance with the proposed source test section.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public to attend a staff-conducted informational forum to be held on Monday, November 24, 1997, at 2:30 p.m. on the fourth floor of the Sims Building in Room 4011 at the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201.

Interested persons are also provided an opportunity to submit written comments to Barbara Lewis at South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, S.C. 29201. Written comments must be received no later than 4:00 p.m. Monday, November 24, 1997. Comments received by the deadline will be submitted to the Board in a Summary of Public Comments and Department Responses.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Barbara Lewis at South Carolina Department of Health and Environmental Control, Bureau of Air Quality, Air Programs Section, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 734-4499.

Notice of Board Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-111:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 11, 1997, to be held in Room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Barbara Lewis at South Carolina Department of Health and Environmental Control, Bureau of Air Quality, Air Programs Section, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 4:00 p.m. on November 24, 1997. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 11, 1997, as noticed above. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions. The proposed regulation will result in more efficient use of Department resources. There will be an added cost for some members of the regulated community who are not presently required to prepare a site-specific source test plan. The major benefits include the consistency of requirements for all sources who perform source tests, the standardization of requirements into a section for ease of use and understanding, and the source testing flexibility afforded the regulated community through the use of a site-specific test plan.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R.61-62, Air Pollution Control Regulations and Standards

Purpose: The proposed amendments will establish, standardize and clarify source testing requirements for all affected source owners or operators and source testers.

Legal Authority: The legal authority for the Regulation 61-62 is Section 48-1-30 through 48-1-60, S.C. Code of Laws.

Plan for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the State Register. The proposed amendments will be implemented by providing the regulated community with copies of the regulation and by staff-conducted training sessions.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Currently the title of R.62.1, "Definitions, Permit Requirements and Emissions Inventory," includes the names of all of the sections contained in the sub-regulation. The title change to "Definitions and General Requirements" will identify more clearly that the sub-regulation contains many general provisions. The current regulatory requirements for source testing are included in various sections of several regulations and standards in Regulation 61-62, Air Pollution Control Regulations and Standards. Currently there are no written regulations which govern site-specific source test plans, and source test requirements are implemented through Department-issued guidance and policy. The proposed amendments will establish, standardize and clarify source testing requirements for source owners or operators and source testers. Reviewing and approving a site-specific source test plan will give the Department an opportunity to identify and address any deficiencies prior to testing and will ensure that sources and source testers use prescribed and approved methods and procedures during testing. Under existing requirements, facility owners or operators must coordinate source testing schedules to ensure that a Department representative can observe every source test performed. Owners and operators of sources with approved site-specific test plans will have more flexibility in conducting source tests, since Department representatives will not need to be present to observe each test. See Preamble and Discussion of Revisions above.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased costs to the State or its political subdivisions. The proposed regulation will result in more efficient use of Department resources. There will be an added cost for some members of the regulated community who are not presently required to prepare a site-specific source test plan. The major benefits include the consistency of requirements for all sources which perform source tests, the standardization of requirements into a single section for ease of use and understanding, and the source testing flexibility afforded the regulated community through the use of an approved site-specific source test plan. The proposed regulation will result in more efficient use of Department resources through expeditious reviews of source test reports and by reducing the need to observe all source tests. Another benefit is a reduction in the number of retests required because of improper test method utilization and unrepresentative source operating parameters.

External Cost:

Current Bureau of Air Quality guidelines require that facilities conducting complex source tests for pollutants listed in Regulation 61-62.5, Standard Number 8, submit test plans prior to conducting source tests. These facilities should not be affected by the proposed regulation. Other affected facilities should expect an increase in the cost of source tests because of the additional costs associated with the preparation of site-specific test plans. Facilities with multiple sources can consolidate many of their tests into one site-specific test plan for substantial overall savings. Average projected additional annual costs are \$400 for single source facilities and \$821 for multiple source facilities. These projections are based on source tests conducted in calendar years 1995-1996.

UNCERTAINTIES OF ESTIMATES:

The cost of site-specific test plan preparation has been estimated based on fee information furnished by several source testing firms. There is some uncertainty in these estimates because these firms have not seen the proposed regulation and are unsure as to its exact requirements. Uncertainty of total costs of implementing this regulation are affected by the variability of costs from different source testing firms, the ability of facilities to consolidate tests and final consolidation costs at multiple source facilities. The uncertainties of the projected estimated costs to the regulated community include considerations such as the number of sources and emission points being tested. Therefore, with this statement of need the Department is requesting additional information from affected stakeholders concerning estimated costs for preparation and submittal of site-specific test plans subject to the draft requirements herein. Estimates should be submitted to Barbara Lewis at South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These amendments will clarify source test requirements and be consistent with current State and Federal requirements. The proposed amendments will provide a better means for quantifying air emissions to the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

If this regulation is not promulgated, source test procedures will remain inconsistent, unacceptable source test methods may be used, and there will be less certainty about actual air emissions to the environment.

Text of Proposed Amendment for Public Comment:

The full text of this regulation is available on the WEB. If you do not have access to the WEB the text may be obtained from the promulgating agency.

The South Carolina General Assembly
Home Page
www.lpitr.state.sc.us

Document No. 2245
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
 Statutory Authority: S.C. Code Sections 48-1-30 through 48-1-60 et seq.

61-62 Air Pollution Control Regulations and Standards

Preamble:

The Department proposes to amend and replace in its entirety Subregulation 61-62.5, Standard No. 8, Toxic Air Pollutants, of the Department's 61-62 Air Pollution Control Regulations and Standards. The proposed amendment will clarify requirements for all affected source owners or operators as addressed below:

(1) The proposed amendment will provide clarification of the requirement to submit emissions data or to perform air dispersion modeling;

(2) The proposed amendment will clarify when the Department will perform modeling for a facility;

(3) The proposed amendment will shift certain chemicals to different toxicity categories or remove them from the list; revise the structure of the tables containing the chemicals to make the tables easier to read; and clarify names and Chemical Abstract Services (CAS) numbers for certain chemicals contained in the standard; and

(4) The proposed amendment will allow facilities that emit chemicals subject to a Federal Maximum Achievable Control Technology (MACT) standard to be exempt from Standard No. 8 for these specific chemicals.

Notices of Drafting for the proposed amendment were published in the State Register on May 26, 1996, and on June 27, 1997. Comments from both notices were considered in formulating the proposed revisions. See Discussion of Proposed Revisions below and Statement of Need and Reasonableness herein.

Discussion of Proposed Revisions:

1: Provide clarification of the requirement to submit emissions data or to perform air dispersion modeling.

<u>SECTION CITATION:</u>	<u>EXPLANATION OF CHANGE:</u>
R.61-62.5, Standard 8, Section I.	New text is added to the General Applicability introductory paragraph to indicate that the effective date of the Standard is June 28, 1991.
R.61-62.5 Standard 8, Section I.A.	The second paragraph of item A is being revised to include provisions for compliance demonstrations for all toxic air pollutant emissions and all sources of toxic air pollutants at any facility subject to this standard.
R.61-62.5 Standard 8, Section I.B.	The text of item B is being revised to include provisions for compliance demonstrations for all toxic air pollutant emissions and all sources of toxic air pollutants from any facility subject to this standard.
R.61-62.5 Standard 8, Section II.A.	The existing text of item A is being revised to clarify modeling requirements.
R.61-62.5 Standard 8, Section II.C.	New text is being added as item C with provisions for facility review of parameters that may impact compliance demonstrations.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE SOUTH CAROLINA
DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL

INFORMATIONAL FORUM:)
PROPOSED AMENDMENTS TO)
REGULATION 61-62.1)
SECTION IV, SOURCE TESTS)

- - -
TRANSCRIPT OF TESTIMONY
- - -

COLUMBIA, SOUTH CAROLINA
MONDAY, NOVEMBER 24, 1997
3:27 P.M. - 3:38 P.M.
- - -

INFORMATIONAL FORUM BEFORE FACILITATOR BARBARA
LEWIS, BUREAU OF AIR QUALITY, SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL, AT THE LINTON CONFERENCE
ROOM, SIMS BUILDING, 2600 BULL STREET, COLUMBIA, SOUTH
CAROLINA, ON MONDAY, NOVEMBER 24, 1997, IN THE ABOVE-
ENTITLED MATTER.

HANWELL REPORTING SERVICE
920 MOHEGAN TRAIL
WEST COLUMBIA, SOUTH CAROLINA 29169
(803) 791-4127

APPEARANCES: DHEC STAFF:
JOHN HURSEY
JIM JOY
BILL GALARDI
DICK SHARPE
DAWN JORDAN
JERRY CHALMERS
JAKE FRICK

TIMOTHY P. LOVE, ALLIED SIGNAL
JIM SERNE, T.R.C.
CHUCK KESSLER, BLUE CIRCLE CONCRETE
H. STEPHEN TANT, ORANGEBURG DEPARTMENT
OF PUBLIC UTILITIES

IRENE H. CASTLES, CERTIFIED VERBATIM REPORTER

HANWELL REPORTING SERVICE

P R O C E E D I N G

FACILITATOR LEWIS: THIS INFORMATIONAL FORUM IS BEING HELD IN REGARD TO THE PROPOSED REVISIONS OF REGULATION 61-62, AIR POLLUTION CONTROL REGULATIONS AND STANDARDS.

A VERBATIM COURT REPORTER IS PRESENT FOR THE TAKING OF THE RECORD.

THE DEPARTMENT PUBLISHED A NOTICE OF INTENT TO REVISE THIS REGULATION IN THE *STATE REGISTER* ON APRIL 25TH, 1997. COPIES OF THE NOTICE WERE MAILED TO APPROXIMATELY 590 INTERESTED INDUSTRIAL FACILITIES AND INDIVIDUALS.

DURING THE DRAFTING PERIOD, WE RECEIVED THIRTY-THREE WRITTEN COMMENTS FROM MEMBERS OF THE REGULATED COMMUNITY. ALL COMMENTS WERE CONSIDERED DURING THE DRAFTING OF THE REGULATION.

ON OCTOBER 9TH, 1997 THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL GRANTED INITIAL APPROVAL TO PROCEED WITH THE PROPOSED REVISION.

A NOTICE OF PROPOSED REGULATION, INCLUDING NOTICE OF TODAY'S MEETING AND NOTICE OF PUBLIC HEARING, WAS PUBLISHED IN THE *STATE REGISTER* ON OCTOBER 24TH, 1997. COPIES OF THE PROPOSED REGULATION WERE MAILED TO THE SAME LIST OF INTERESTED PARTIES WHO RECEIVED THE DRAFTING NOTICE. THREE MEETINGS WERE HELD, WITH

HANWELL REPORTING SERVICE

1 APPROXIMATELY FOURTEEN MEMBERS OF THE REGULATED
2 COMMUNITY, TO DISCUSS THE PROVISIONS OF THE PROPOSED
3 AMENDMENTS. THESE MEETINGS SIGNIFICANTLY CONTRIBUTED
4 TO THE RESOLUTION OF NUMEROUS ISSUES AND THE
5 DEVELOPMENT OF THE REGULATION. THE DEPARTMENT HAS
6 RECEIVED FORTY-FIVE COMMENTS DURING THE PROPOSED RULE
7 COMMENT PERIOD. EACH COMMENT RECEIVED RECEIVES EQUAL
8 CONSIDERATION DURING THE DEVELOPMENT OF THE PROPOSED
9 REGULATION.

10 UNLESS THERE IS AN OBJECTION, COPIES OF THE
11 NOTICES WILL BE ENTERED INTO THE RECORD AS IF THEY
12 WERE READ. ANY OBJECTION? (NO RESPONSE)

13 THE PURPOSE OF TODAY'S MEETING IS TO RECEIVE
14 INPUT FROM THE REGULATED COMMUNITY AND THE PUBLIC TO
15 THE PROPOSED REVISIONS. ANY COMMENTS RECEIVED TODAY
16 DURING TODAY'S MEETING, EITHER ORAL OR WRITTEN, AND
17 ALL COMMENTS RECEIVED DURING THE PUBLIC COMMENT
18 PERIOD, WHICH ENDS AT 5:00 TODAY, SHALL BE CONSIDERED
19 EQUALLY AND SHALL BE SUBMITTED TO THE BOARD FOR
20 INCLUSION IN THE TRANSCRIPT OF THE RECORD OF PUBLIC
21 HEARING.

22 THE BOARD WILL CONDUCT A PUBLIC HEARING ON THIS
23 MATTER, PURSUANT TO SOUTH CAROLINA CODE SECTION 1-23-
24 111, AT ITS REGULARLY SCHEDULED MEETING ON DECEMBER
25 THE 11TH, 1997.

HANWELL REPORTING SERVICE

1 WE WOULD LIKE TO THANK EVERYONE WHO HAS TAKEN THE
2 TIME TO REVIEW THIS REGULATION, TO SUBMIT COMMENTS,
3 AND TO ATTEND THESE MEETINGS. WE WELCOME YOUR INPUT
4 AND ASSISTANCE IN PERFECTING THESE REVISIONS.

5 I WOULD LIKE TO GIVE A BRIEF EXPLANATION OF THE
6 PROPOSED REVISIONS.

7 THE DEPARTMENT PROPOSES TO AMEND REGULATION 61-
8 62, AIR POLLUTION CONTROL REGULATIONS, TO ESTABLISH,
9 STANDARDIZE, AND CLARIFY SOURCE TESTING REQUIREMENTS
10 FOR ALL AFFECTED SOURCE OWNERS OR OPERATORS AND SOURCE
11 TESTERS. CURRENTLY THERE ARE NO WRITTEN REGULATIONS
12 WHICH GOVERN SITE-SPECIFIC SOURCE TEST PLANS. SOURCE
13 TEST REQUIREMENTS HAVE BEEN IMPLEMENTED THROUGH E.P.A.
14 AND DEPARTMENT-ISSUED GUIDANCE AND POLICY.

15 THIS AMENDMENT WILL SPECIFY REQUIREMENTS FOR A
16 SITE-SPECIFIC TEST PLAN WHICH WILL INCLUDE A
17 DISCUSSION OF THE TEST OBJECTIVES, ACCESSIBILITY, AND
18 REPRESENTATIVENESS OF SAMPLING LOCATIONS, PROCESS
19 DESCRIPTIONS, SAMPLING AND ANALYTICAL PROCEDURES,
20 INTERNAL QUALITY ASSURANCE AND QUALITY CONTROL
21 METHODS, DATA REDUCTION AND REPORTING PROCEDURES, AND
22 SAFETY CONSIDERATIONS. THE PROPOSED AMENDMENTS WILL
23 ALSO REQUIRE AFFECTED SOURCE OWNERS OR OPERATORS TO
24 DEVELOP SITE-SPECIFIC TEST PLANS TO BE SUBMITTED TO
25 THE DEPARTMENT FOR APPROVAL PRIOR TO CONDUCTING SOURCE

HANWELL REPORTING SERVICE

1 TESTS. FURTHER, THE PROPOSED AMENDMENTS WILL
2 STANDARDIZE CURRENT SOURCE TEST REQUIREMENTS BY ADDING
3 A NEW SECTION NUMBER FOUR, SOURCE TESTS, TO REGULATION
4 61-62.1, DEFINITIONS, PERMIT REQUIREMENTS, AND
5 EMISSIONS INVENTORY.

6 ADDITIONALLY, THE TITLE OF 62.1, "DEFINITIONS,
7 PERMIT REQUIREMENTS AND EMISSIONS INVENTORY" WILL BE
8 CHANGED TO "DEFINITIONS AND GENERAL REQUIREMENTS".
9 CURRENTLY THIS TITLE INCLUDES THE NAMES OF ALL
10 SECTIONS CONTAINED IN THE REGULATION. THE TITLE
11 CHANGE TO "DEFINITIONS AND GENERAL REQUIREMENTS" WILL
12 CLARIFY THAT THE REGULATION CONTAINS GENERAL
13 PROVISIONS.

14 PRIOR TO CONVENING THIS MEETING, STAFF WERE
15 AVAILABLE TO DISCUSS PROPOSED REVISIONS AND ANSWERS.

16 I WILL NOW RECOGNIZE ANYONE WHO WOULD LIKE TO
17 ENTER ANY COMMENTS INTO THE RECORD. PLEASE STATE YOUR
18 NAME AND YOUR AFFILIATION CLEARLY.

19 WOULD ANYONE CARE TO---

20 (NO ONE SPOKE)

21 O.K., THANK YOU. IF THERE ARE NO FURTHER
22 COMMENTS, I WOULD LIKE TO REMIND YOU THAT ALL COMMENTS
23 WHICH HAVE BEEN RECEIVED WILL BE ENTERED INTO THE
24 OFFICIAL TRANSCRIPT FOR THE PUBLIC HEARING TO BE HELD
25 BY THE BOARD. THE MEETING WILL BE HELD AT 10:00 A.M.

HANWELL REPORTING SERVICE

1 ON DECEMBER THE 11TH, 1997. ITEMS WILL BE HEARD IN
2 THE ORDER AS PUBLISHED ON THE BOARD AGENDA, AND THE
3 BOARD AGENDA IS PUBLISHED APPROXIMATELY ONE WEEK PRIOR
4 TO THE DATE OF THE MEETING.

5 THE DAY OF THE MEETING THERE WILL BE A SIGN-IN
6 LOG FOR SPEAKERS, AND WE REQUEST THAT A WRITTEN COPY
7 OF YOUR COMMENTS BE PROVIDED FOR INCLUSION IN THE
8 PUBLIC RECORD.

9 AGAIN WE WOULD LIKE TO THANK YOU FOR YOUR
10 PARTICIPATION, FOR YOUR INTEREST, AND FOR YOUR
11 COMMENTS.

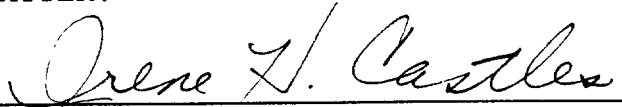
12 THIS MEETING IS NOW CONCLUDED.

13 -----

14 INFORMATIONAL FORUM CONCLUDED AT 3:38 P.M.

* * *

I CERTIFY THAT THE FOREGOING IS A TRUE AND
CORRECT TRANSCRIPT FROM MY STENOMASK RECORD OF PROCEEDINGS
IN THE ABOVE-ENTITLED MATTER.


IRENE H. CASTLES, CVR, NOTARY PUBLIC
MY COMMISSION EXPIRES AUG. 22, 2000.

NOVEMBER 29, 1997.

HANWELL REPORTING SERVICE

Board of Health and Environmental Control
November 24, 1997
Informational Forum Sign-in Sheet
Proposed Amendments to R.61-62.1, Section IV, Source Tests

Name:

Representing:

Address:

BARBARA LEWIS	SCDHEC	2600 Bull St - COLA SC	734-4494
John Hursey	SCDHEC	" " " " "	734-4475
Dawn Jordan	SCDHEC	" " " " "	734-3521
TIMOTHY P. LOVE	ALLIED SIGNAL	4401 ST ANDREW RD COLA SC	7504371
JIM SERNE	TRC	6340 QUADRANGLE DR CHARGE HILL, N.C.	(919) 419-754
Chuck Kessler	Blue Circle Cement	P.O. Box 326 Hertenville	(403) 462-76
JERRY CHAMBERS	SCDHEC	2600 Bull St. COLA, SC	29201
DICK SHARPE	SCDHEC	" " "	" " "
H. STEPHEN TRANT	PUBLIC DEPT. UTILITIES	P.O. Box 1057 ORANGERIDGE, E.C.	(803) 534-2821
JAKE FRICK	SCDHEC	2600 Bull St., COLA SC	734-8494

Stakeholder Meeting
Tuesday, October 21, 1997
Subject: Proposed Amendment to R. 61-62
Attendance List

Name	Company	Address	Phone Number
Dawn Jordan	SC DHEC	2600 Bull St. Columbia, SC 29201	(803) 734-3521
Rod Kutz	Engelhard	554 Engelhard Drive, Seneca, SC 29678	(804) 885-1356
Dick Sharpe	SC DHEC		(803) 734-4539
Jake Friend	SC DHEC	2600 Bull St. Columbia, SC 29201	(803) 734-8494
Barbara Lewis	"	" " " " "	803-734-4499

Stakeholder Meeting
Thursday, October 16, 1997
Subject: Proposed Amendment to R. 61-62
Attendance List

Name	Company	Address	Phone Number
Dawn Jordan	SCDHEC	2600 Bul St Columbia, SC 29201	(803) 734-3521
Dick Sharpe	"	"	(803) 724-4539
JEFF SILLIMAN	MILLIKEN & Co.	P.O. Box 1926 ^{my 34} 1926 Spartanburg 29301	(803) 503-1844
Brian Yeager	SCE&G	111 Research Dr. Columbia SC 29203	(803) 733-4024
DAN WILLIAMS	CRYO/PC	PO Box 464 Duncan, SC 29334	(803) 433-3167
Glenn Brannen	SCE&G	111 Research Dr, Columbia, S.C. 29203	(803) 733-6760
John Fritz	SCDHEC	2600 Bul St Columbia, SC 29201	(803) 734-3441
BARBARA LEWIS	SCDHEC	" " " " " "	734-4499
Glenn Lowhon	Westvaco	PO Box 118005, Chas, SC 29405	

Stakeholder Meeting
 Tuesday, October 14, 1997
 Subject: Proposed Amendment to R. 61-62
 Attendance List

Name	Company	Address	Phone Number
Dawn Jordan	SC DHEC	2600 Bull St Columbia, SC 29201	(803) 734-3521
Tommy Enlow	"	"	(803) 734-8294
Patrick Turner	General Engineering Laboratories	7040 Savage Rd. Chas, SC 29414	(803) 769-7397
Andy Barefoot	Air Techniques, Inc.	1724 Nekoma St., Marietta GA	(770) 977-2525
Barbara Lewis	SC DHEC	2600 Bull Street	(803) 734-4499
Kirk Alexander	DAVIS E Floyd	816 E. Durst St	(864) 229-5211
GARY ANDERSON	DAVIS E Floyd	816 E. DURST ST	(864) 229-5211
Tommy Blumhail	Trigen Engr. N	16200 Harris Tech Blvd	704 596-1049
David S. Miller	Duke Power	13339 Hagera Ferry Rd, Huntersville	704 875-5820
Daniel A. Markley	Duke Energy	2nd NC 28078	704 875-5744
Dick Sharpe	SC DHEC		803-734-4535

ATTACHMENT 6

Transcript of the Informational Forum
November 24, 1997

ATTACHMENT 7

Transcript of the Public Hearing
December 11, 1997

STATE OF SOUTH CAROLINA) BEFORE THE SOUTH CAROLINA
COUNTY OF RICHLAND) BOARD OF HEALTH AND
ENVIRONMENTAL CONTROL

BOARD MEETING:)

FINAL APPROVAL FOR PROPOSED)

AMENDMENTS TO R.61-62 *1 Air*)

~~DEFINITIONS AND GENERAL~~)

~~REQUIREMENTS~~, STATE REGISTER)

DOCUMENT 2244)

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- - -

TRANSCRIPT OF HEARING

- - -

COLUMBIA, SOUTH CAROLINA
THURSDAY, DECEMBER 11, 1997
12:02 P.M. - 12:17 P.M.

- - -

THE BOARD MEETING BEFORE COMMISSIONER
BRYANT WAS TAKEN AT THE DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL, 2600 BULL STREET, BOARD ROOM,
COLUMBIA, SOUTH CAROLINA, ON THURSDAY, DECEMBER 11,
1997.

HANWELL REPORTING SERVICE
920 MOHEGAN TRAIL
WEST COLUMBIA, SOUTH CAROLINA 29169
(803) 791-4127

APPEARANCES: AMONG OTHERS PRESENT:

DHEC BOARD MEMBERS:

DOUGLAS E. BRYANT, COMMISSIONER
JOHN H. BURRISS, CHAIRMAN
WILLIAM M. HULL, JR., M.D., VICE CHAIRMAN
ROGER LEAKS, JR., SECRETARY
MARK KENT
CYNDI C. MOSTELLER
BRIAN K. SMITH
RODNEY L. GRANDY

CARL ROBERTS, GENERAL COUNSEL
LISA LOWERY, BOARD SECRETARY

RODNEY KUTZ

STAFF PRESENTING: MR. RICHARD "DICK" SHARPE,
DIRECTOR, DIVISION OF AIR
COMPLIANCE MANAGEMENT

- - -

REBECCA L. DEFELICE, CERTIFIED COURT REPORTER |

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COMMISSIONER BRYANT.	13
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MR. ROBERTS	24
MR. KENT.	25

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1 MR. BURRISS: AGENDA ITEM
2 NUMBER 9. PROPOSED AMENDMENT OF REGULATION
3 61-62, AIR POLLUTION CONTROL REGULATIONS AND
4 STANDARDS. DICK SHARP WILL PRESENT THAT.

5 MR. SHARPE: GOOD MORNING.
6 THE ITEM YOU HAVE BEFORE YOU IS PROPOSED
7 AMENDMENT TO REGULATION 61-62, AIR POLLUTION
8 CONTROL STANDARDS AND REGULATIONS. THIS
9 AMENDMENT WILL REQUIRE LEGISLATIVE REVIEW.
10 THIS PROPOSAL DEALS WITH SOURCE TESTING.
11 SOURCE TESTS PERFORMED AT FACILITIES DURING
12 NORMAL OPERATING CONDITIONS ARE DESIGNED TO
13 DETERMINE THE AMOUNT OF POLLUTANTS THAT ARE
14 BEING EMITTED TO THE AIR FROM THE SOURCE
15 THAT'S BEING TESTED. THE TEST RESULTS ARE
16 USED TO DETERMINE IF PROCESSES MEET APPLICABLE
17 STATE AND FEDERAL AIR EMISSION STANDARDS.
18 REQUIREMENTS TO CONDUCT SOURCE TESTS ARE NOT
19 NEW AND HAVE BEEN IN BOTH STATE AND FEDERAL
20 REGULATIONS IN ONE FORM OR ANOTHER FOR ABOUT
21 25 YEARS NOW. CONSEQUENTLY, THEY ARE SPREAD
22 OUT OVER VARIOUS SECTIONS IN THE REGULATION.
23 ONE OF THE THINGS THAT WE'RE
24 PROPOSING TO DO IS TO INCORPORATE THE
25 REQUIREMENTS FOR HOW SOURCE TESTS ARE

1 CONDUCTED INTO ONE PLACE IN THE AIR
2 REGULATIONS. THIS AMENDMENT WILL NOT REQUIRE
3 SOURCES TO CONDUCT ANY NEW OR ADDITIONAL
4 TESTING, IT DOES NOT ADDRESS TEST FREQUENCY,
5 IT SPEAKS ONLY TO THE MANNER IN WHICH TESTS
6 ARE CONDUCTED.

7 WE'RE ALSO PROPOSING TO INCLUDE
8 IN THE REGULATION BOTH STATE AND FEDERAL
9 GUIDANCE ON HOW TESTS ARE CONDUCTED. THE MOST
10 SIGNIFICANT CHANGE TO THE RULE WILL BE TO
11 REQUIRE BY REGULATION TEST PLANS THAT MUST BE
12 SUBMITTED FOR REVIEW BEFORE THE TESTS ARE
13 PERFORMED.

14 WE'RE ALSO INCLUDING MINIMUM
15 REQUIREMENTS FOR WHAT CONTENT SUCH A TEST PLAN
16 SHOULD BE. WE BELIEVE THAT THIS WILL PROVIDE
17 US AN INVALUABLE TOOL IN ENSURING THE VALIDITY
18 OF THE TESTS THAT ARE PERFORMED. WE BELIEVE
19 THAT IT WILL ESTABLISH CONSISTENT METHOD FOR
20 PERFORMING TESTS AND WILL GIVE BOTH FACILITIES
21 AND THE CONSULTANTS AN OPPORTUNITY TO RECTIFY
22 ANY PROBLEMS THAT MAY EXIST BEFORE THE TEST IS
23 DONE.

24 THERE ARE A NUMBER OF PROBLEMS
25 WE'VE FACED IN THE PAST SUCH AS INAPPROPRIATE

1 SAMPLING AND ANALYSIS METHODS, AND WE BELIEVE
2 THAT DEALING WITH PROTOCOL BEFORE THE TEST IS
3 DONE WILL REMOVE THAT. WE BELIEVE IT WOULD
4 CORRECT TESTING THAT MIGHT BE DONE DURING NON
5 REPRESENTATIVE PROCESS CONDITIONS.
6 CONSEQUENTLY, WE THINK THAT THIS WILL MINIMIZE
7 RETESTING THAT PROVIDES ADDITIONAL EXPENSE TO
8 INDUSTRY THAT THAT CAN BE PREVENTED WITH THE
9 PROPER TEST PLAN IN PLACE.

10 THE SPECIFICS OF THE
11 ADMINISTRATIVE PROCEDURE FOR THIS RULE IS
12 INCLUDED IN THE PACKAGE THAT WAS PRESENTED TO
13 YOU. SINCE WE CONCLUDED THE OFFICIAL PUBLIC
14 COMMENT PERIOD ON NOVEMBER 24TH, WE RECEIVED
15 ANOTHER SET OF COMMENTS AND YOU SHOULD HAVE IN
16 FRONT OF YOU AN ADDENDUM THAT REFLECTS
17 ADDITIONAL CHANGES THAT WERE MADE IN THE LAST
18 WEEK. WE DID RECEIVE QUITE A FEW COMMENTS
19 DURING THE PROCESS THROUGH STAKEHOLDER
20 MEETINGS, TWO OF THOSE WERE INDUSTRY
21 REPRESENTATIVES AND ONE WAS WITH CONSULTANTS
22 WHO PERFORMED THESE TESTS, ALTOGETHER ABOUT 14
23 MEMBERS OF THE REGULATED COMMUNITY
24 PARTICIPATED. THERE WERE FOUR ATTENDEES AT
25 THE INFORMATIONAL FORUM ON NOVEMBER 24, AGAIN,

1 THERE WERE A NUMBER OF COMMENTS THERE THAT WE
2 THOUGHT CONTRIBUTED TO REFINING THE RULE AND
3 MAKING IT A BETTER REGULATION. AND ALTOGETHER
4 WE RECEIVED WRITTEN COMMENTS FROM 17 DIFFERENT
5 COMMENTERS AND THERE WERE A TOTAL OF OVER 200
6 COMMENTS. THE SUMMARY THAT YOU HAVE REFLECTS
7 THAT A NUMBER OF THOSE WERE SIMILAR AND WE
8 CONDENSED THOSE DOWN SOMEWHAT.

9 WE'RE ASKING TODAY THAT BASED
10 UPON THE PUBLIC HEARING AND THE INFORMATION
11 SUBMITTED THAT YOU FIND FOR THE NEED AND
12 REASONABLENESS OF THE PROPOSED AMENDMENT. WE
13 LOOK FORWARD TO SUBMISSION TO THE LEGISLATURE.

14 MR. BURRISS: THANK YOU,
15 MR. SHARP. WE'RE GOING TO CALL ON THE PEOPLE
16 WHO HAVE SIGNED UP TO SPEAK. RODNEY KUTZ.

17 MR. KUTZ: I'M RODNEY
18 KUTZ, AND I'M SPEAKING TODAY ON BEHALF OF MY
19 EMPLOYER, ENGLEHARD CORPORATION, AND I'M
20 SPEAKING AS ONE OF THE GUYS THAT GOT TO
21 PREPARE THE SOURCE TESTING PLANS AND WORK WITH
22 THIS INFORMATION. THE PROPOSED REVISION TO
23 THE SOURCE TESTING REGULATIONS CONTAINS
24 REQUIREMENTS FOR PREPARATION OF SITE-SPECIFIC
25 TEST PLANS AND FINAL TEST REPORTS. IT'S

1 ENTIRELY APPROPRIATE TO REQUIRE SITE-SPECIFIC
2 TEST PLANS AND FINAL TEST REPORTS IN THIS
3 REGULATION, HOWEVER THE REQUIREMENTS ARE TOO
4 PRESCRIPTIVE AND DETAILED TO BE APPROPRIATE
5 FOR INCLUSION IN A REGULATION. IT'S NOT A
6 GOOD IDEA TO GIVE DETAILED INSTRUCTIONS FOR
7 THE CONTENTS OF SUCH DOCUMENTS IN A
8 REGULATION. THE DEPARTMENT CURRENTLY DOES NOT
9 LIST OVERLY DETAILED REQUIREMENTS FOR
10 COMPLETING INSTRUCTION PERMIT APPLICATION OR
11 TITLE 5 APPLICATIONS IN ITS REGULATIONS AND IT
12 SHOULD NOT INCLUDE DETAILED REQUIREMENTS FOR
13 THE DOCUMENTS AS A REGULATION. OVERLY
14 PRESCRIPTIVE AND DETAILED REGULATION IS NOT
15 CONSISTENT WITH THE DIRECTION OF THE
16 DEPARTMENT TOWARD REGULATOR REFORM. THESE
17 COMMAND AND CONTROL REGULATIONS SLOW DOWN THE
18 BUREAUCRATIC PROCESS AND MAKE IT MORE
19 DIFFICULTY TO SOURCE TEST TO DETERMINE
20 COMPLIANCE.

21 IT'S BETTER TO PLACE SUCH
22 DETAILED REQUIREMENTS IN A GUIDANCE DOCUMENT
23 THAN HAVE THE REGULATION REFER TO THE GUIDANCE
24 DOCUMENT. THE DEPARTMENT IS THEN BETTER ABLE
25 TO ACCOMMODATE NECESSARY AND UNFORESEEN

1 CHANGES TO ITS INFORMATION REQUIREMENTS
2 WITHOUT HAVING TO GO BACK TO THE LEGISLATURE
3 AND ASK TO HAVE THE REGULATION CHANGED. THIS
4 APPROACH HAS WORKED RATHER WELL OVER THE PAST
5 FEW YEARS WITH THE MODELING ASPECT IN THE AIR
6 TOXINS REGULATIONS THAT WE JUST SPOKE OF, AND
7 THE BOARD SHOULD REVISE THESE PROPOSED CHANGES
8 ACCORDINGLY. THANK YOU.

9 MR. BURRISS: THANK YOU,
10 MR. KUTZ. IS THERE ANYONE IN THE AUDIENCE WHO
11 WOULD LIKE TO ADDRESS THIS? ANY COMMENTS FROM
12 THE BOARD MEMBERS?

13 MR. KENT: I'VE GOT A
14 QUESTION, ACTUALLY JUST MORE OF A LANGUAGE
15 QUESTION THAN ANYTHING ELSE. ON PAGE 12,
16 SECTION 9 STARTS WITH NEITHER THE SUBMISSION
17 OF A SITE-SPECIFIC TEST PLAN NOR THE
18 DEPARTMENT'S APPROVAL OR DISAPPROVAL OF PLANS
19 NOR THE DEPARTMENT'S FAILURE TO APPROVE OR
20 DISAPPROVE A PLAN IN A TIMELY MANNER, AND IT
21 GOES ON AND ON AND ON. MY QUESTION IS THAT
22 THE PORTION OF THAT SENTENCE SAYS NOT THE
23 DEPARTMENT'S FAILURE TO APPROVE OR DISAPPROVE
24 A PLAN IN A TIMELY MANNER. CAN YOU EXPLAIN TO
25 ME WHY THAT'S IN THERE AND WHY WE GIVE THE

1 DEPARTMENT THE OPPORTUNITY IF THEY DON'T
2 APPROVE IT OR FAILURE TO APPROVE IT WITHIN A
3 TIMELY MANNER, WE GIVE THE DEPARTMENT AN
4 ESCAPE CLAUSE? THAT'S THE WAY IT READS TO ME.

5 MR. SHARPE: WE HAVE
6 INCLUDED AN EARLIER PROVISION THAT SAYS THAT
7 THE DEPARTMENT WILL RESPOND WITHIN 30 DAYS,
8 AND WE FULLY INTEND TO DEVOTE THE RESOURCES WE
9 NEED TO REVIEW AND RESPOND TO TEST PLANS.
10 THERE ARE FEDERAL REGULATIONS IN PARTICULAR
11 THAT REQUIRE TESTING WITHIN A CERTAIN NUMBER
12 OF DAYS OF START UP, AND WHAT WE'RE TRYING TO
13 AVOID IS HAVING A LATE SUBMISSION OF A PLAN OR
14 SUBMISSION OF AN INADEQUATE PLAN WHERE WE
15 CAN'T HAVE THE INFORMATION THAT WE NEED TO BE
16 ABLE TO ADEQUATELY REVIEW AND APPROVE IT FROM
17 BEING A REASON FOR NOT CONDUCTING A TEST
18 THAT'S REQUIRED UNDER ANOTHER REGULATION.

19 MR. KENT: OKAY. SO LET'S
20 BACK UP AGAIN. SO EVEN SINCE THERE ARE
21 FEDERAL GUIDELINES ON TIME TO RESPOND, WHY IS
22 IT NECESSARY THAT YOU HAVE THIS SENTENCE IN
23 HERE THAT SAYS IF THE DEPARTMENT DOESN'T DO IT
24 IN A TIMELY MANNER, YOU GIVE AN ESCAPE CLAUSE
25 HERE IS WHAT I'M SAYING, AND I THINK IF YOU'RE

1 ASKING INDUSTRY AND ALL THOSE OTHERS THAT
2 THEY'RE REQUIRED TO REPLY WITHIN THAT TIME
3 FRAME, THAT TIMELY MANNER, THEN WHY AREN'T WE
4 REQUIRING THE SAME THING OF THE DEPARTMENT TO
5 DO THE SAME THING I THINK? I THINK IT'S JUST
6 A QUICK PRO QUO.

7 MR. SHARPE: AND WE ARE
8 IMPOSING THE REQUIREMENT ON OURSELVES IN
9 ITEM 6 TO RESPONDS WITHIN 30 DAYS.

10 MR. KENT: AND I SEE THAT,
11 AND SO I FEEL COMFORTABLE WITH THAT IF YOU'LL
12 JUST TAKE THAT LAST LITTLE PIECE OF WORDING
13 OUT THERE, NO OTHER DEPARTMENT'S FAILURE TO
14 APPROVE OR DISAPPROVE A PLAN IN A TIMELY
15 MANNER. IF WE CAN DELETE THAT PART OF IT, I
16 HAVE NO PROBLEM WITH THE REST OF IT. IT'S ON
17 PAGE 12, SECTION 9, IT'S THE PART OF THE FIRST
18 SENTENCE WHERE IT STARTS NOR THE DEPARTMENT'S
19 FAILURE TO APPROVE OR DISAPPROVE A PLAN IN A
20 TIMELY MANNER. THE POINT I'M JUST TRYING TO
21 MAKE IS I DON'T THINK IT'S FAIR TO IMPOSE THAT
22 OF WHOEVER'S REQUIRED TO PERFORM THESE IN THAT
23 TIMELY MANNER, AND AS IT WAS JUST STATED THAT
24 ON ITEM 6 IS WE'RE TRYING TO DO THIS IN A
25 30-DAY WINDOW, IT'S REALLY AN ESCAPE CLAUSE TO

1 THE DEPARTMENT SAYING, WELL, EVEN IF WE DON'T
2 MAKE THAT 30 DAYS WE STILL GET MORE TIME. I
3 THINK THAT'S -- I DON'T LIKE THAT. YOU'RE
4 GOING TO REQUIRE PEOPLE TO RESPOND IN A TIMELY
5 MANNER, SO IT SHOULD BE RESPONSIBILITY OF THIS
6 DEPARTMENT TO RESPOND IN THAT SAME TIMELY
7 MANNER.

8 MR. SHARPE: IT'S REALLY
9 NOT OUR FAILURE TO RESPOND WITHIN 30 DAYS
10 THAT'S A CONCERN FOR US, IT'S WHETHER OR NOT
11 WE CAN APPROVE THE PLAN WITHIN THAT TIME FRAME
12 AND WE'RE CONCERNED THAT THERE WILL BE
13 SITUATIONS WHERE A FACILITY WILL DELAY THAT
14 PROCESS TO THE POINT WHERE WE'RE NOT ABLE TO
15 GIVE APPROVAL IN A WAY THAT WILL ALLOW THE
16 FACILITY TO MEET THE DEADLINE FOR TESTING
17 IMPOSED BY, FOR EXAMPLE, THE FEDERAL
18 REGULATION, AND WE WANT TO REMOVE THAT
19 OPPORTUNITY TO PLAY THAT GAME WITH US.

20 MR. KENT: THEN WHAT
21 YOU'RE TELLING ME IS YOU'RE NOT COMFORTABLE
22 WITH THE 30 DAYS NUMBER?

23 MR. SHARPE: NO. WE'RE
24 COMFORTABLE WITH BEING ABLE TO RESPOND WITHIN
25 30 DAYS, BUT THERE MAY BE SITUATION WHERE WE

1 CAN'T GIVE A FINAL ANSWER WITHIN THAT TIME
2 FRAME.

3 COMMISSIONER BRYANT: THE
4 OTHER SIDE OF THIS IS THAT THERE ARE CERTAIN
5 THINGS THAT THE LAW REQUIRES, AND MANY OF
6 THESE, THE INDUSTRY MAY TAKE SIX MONTHS TO PUT
7 THIS THING TOGETHER, AND WE'VE GOT 30 DAYS TO
8 STUDY IT AND REACT TO IT AND RESPOND TO THESE
9 THINGS. SO THAT'S WHAT I THINK THEY'RE TRYING
10 TO SAY IS THE WORK LOAD, POWER OF IT IS
11 THEY'VE GOT TO HAVE SOME FLEXIBILITY. I THINK
12 THE GOAL AS STATED, THEY WANT TO DO IT WITHIN
13 30 DAYS, AND THEY'RE LOOKING FOR JUST TO SAY
14 IF WE DON'T MAKE IT, I DON'T WANT TO JUST
15 AUTOMATICALLY -- THEN THE INDUSTRY IS FREE TO
16 GO. IF THERE'S A LEGITIMATE, TECHNICAL REASON
17 WE CAN'T DO IT, WE'VE GOT TO HAVE SOME WAY TO
18 DO IT, WE HAVE TO LOOK AT IT AS AN AGENCY.

19 MR. KENT: BUT ON THE FLIP
20 SIDE OF THAT, IF I PUT AN APPLICATION IN AND
21 IT SITS IN THE DEPARTMENT, IT GOES PAST 30
22 DAYS, IT TAKES 60, IT TAKES 90 DAYS, I MEAN
23 WHAT'S MY RECOURSE? I MEAN I COULD BE WAITING
24 FOR A RESPONSE AND IT'S STILL SITTING IN THE
25 DEPARTMENT.

1 MR. GRANDY: ONE, TWO,
2 THREE, FOUR, FIVE, SIX.

3 MR. KENT: THIS IS A
4 GOVERNMENT AGENCY, AND IT CAN GET BACKED UP
5 WITH THE WORKLOAD, AND THAT MAY BE A
6 POSSIBILITY, SO, YOU KNOW, I JUST THINK
7 IT'S -- I JUST AS SOON PUT ONEROUS ON THE
8 DEPARTMENT TO RESPONDS, AND I JUST, YOU KNOW,
9 I FEEL BETTER IF THAT PORTION OF THE LANGUAGE
10 WAS OUT OF THE TEXT.

11 MR. BURRISS: LEWIS.

12 MR. SHAW: IF I COULD, I'M
13 GOING BROADEN IT AWAY FROM THIS PARTICULAR
14 ISSUE. WHEN WE DISCUSSED THE FEES IN OUR
15 PERMITTING PROCESS, THE INDUSTRY SAID WE DON'T
16 WANT YOU, DHEC, TO HAVE AN OPEN-ENDED PROCESS
17 WHERE WE CAN SUBMIT YOU SOMETHING AND YOU CAN
18 TAKE FOREVER, IT'S COSTING US MONEY TO HAVE TO
19 IT SIT THERE, AND WE DID AGREE. WE BELIEVE AS
20 MANAGERS WE OUGHT TO HAVE SOME TIME FRAMES
21 THAT WE'RE WORKING AGAINST. IN THE CASE OF
22 THE FEES, IF WE DON'T MEET THE TIME FRAMES, WE
23 GIVE YOU YOUR MONEY BACK, BUT IN SOME CASES WE
24 DON'T CHARGE YOU FOR THE FEE TO BEGIN WITH, SO
25 IT'S REALLY A MANAGEMENT TOOL FOR US AND WE

1 REPORT TO THE BOARD WHETHER WE'RE MEETING
2 THOSE GUIDELINES. WHAT WE WANTED TO AVOID AND
3 WHEN WE DISCUSSED WITH THE THEN BOARD AT THAT
4 TIME ABOUT THESE FEES, THERE WAS GOOD
5 AGREEMENT, I THOUGHT, THAT WE DON'T WANT THE
6 DEPARTMENT TO BE IN A POSITION THAT IF WE FAIL
7 TO ACT FOR ANY REASON THAT SOMEBODY WOULD GET
8 AN APPROVAL THAT WE MIGHT NOT ORDINARILY GIVE
9 THEM APPROVAL. IT'S DEFAULT POSITION TO BE AN
10 AUTOMATIC APPROVAL OF SOMEBODY. AND IT'S WHEN
11 THE DISCUSSION WAS GOING ON WITH THIS REG,
12 INDUSTRIES WANTED SOMETHING TO MEASURE US
13 AGAINST AND WE AGREED TO MEASURE AGAINST THIS
14 30 DAYS.

15 MR. KENT: DOES THIS SHOW
16 UP IN OUR REPORTS AS FAR AS THE APPLICATIONS
17 AND ALL THEN WHERE GENERALLY YOU TELL HOW MANY
18 RESPONDED AND THIS AT THAT TIME WE GET THE
19 DATES ON THIS, WILL THIS FALL IN THAT
20 CATEGORY?

21 MR. SHAW: I DON'T THINK
22 IT DOES, BUT WE CERTAINLY CAN REPORT.

23 MR. KENT: I'D LEAVE THIS
24 IN IF WE GET THAT REPORT THAT SHOWS THE FACT
25 THAT WE ARE RESPONDING ON TIME AND, YOU KNOW,

1 THAT WOULD GIVE US -- THAT WOULD GIVE ME A
2 SENSE OF DEALING AT THE BOARD LEVEL THAT THE
3 DEPARTMENT'S WORKING ON IT.

4 MR. GRANDY: I THINK
5 THAT'S A GOOD IDEA.

6 MR. SHARPE: I'D LIKE TO
7 POINT OUT TOO THAT IF THE FACILITY GETS ITSELF
8 IN THE POSITION WHERE OUR FAILURE TO ACT HAS
9 CAUSED THEM TO VIOLATE A REGULATION, THERE IS
10 STILL A GROUP APPEAL LEFT FOR THAT. IF IT HAS
11 BEEN ENTIRELY OUR FAULT THAT THE FACILITY
12 FAILS TO MEET A REQUIREMENT, THEN YOU'RE
13 CERTAINLY GOING TO HAVE A STRONG DEFENSE
14 SHOULD THERE BE ANY ENFORCEMENT.

15 MR. KENT: LEWIS, CAN WE
16 GET THAT?

17 MR. SHAW: WE'D BE GLAD
18 TO -- I DON'T KNOW IF IT WILL BE IN THE SAME
19 REPORT DOCUMENTS THAT'S COVERED UNDER THAT
20 REG, BUT WE WILL COME UP WITH A MECHANISM FOR
21 REPORTING TO THE BOARD, WHETHER OR NOT WE'RE
22 MEETING THIS 30-DAY TIME FRAME. AND LET ME
23 SAY THAT PEOPLE DON'T ALWAYS JUST COMPLAIN TO
24 YOU ALL, I GET A LOT OF COMPLAINTS, JIM JOY
25 GETS A LOT OF COMPLAINTS. IF PEOPLE ARE NOT

1 MEETING THESE 30-DAY DEADLINES, WE'RE GOING TO
2 HEAR FROM THEM AND WE'RE GOING TO TAKE ACTION
3 BECAUSE WE DON'T WANT TO HEAR THIS FROM THE
4 REGULATING COMMUNITY. SO THERE'S STILL A LOT
5 OF DECISIONS IN PLACE FOR US TO MEET THESE
6 GOALS.

7 MR. KENT: IF WE COULD GET
8 THAT ADDED IN THERE.

9 MR. BURRISS: I THINK MS.
10 MOSTELLER HAS A QUESTION.

11 MR. GRANDY: I HAVE A
12 QUESTION. WHY ARE WE BEING SO PRESCRIPTIVE IN
13 THIS ONE AS COMPARED TO OTHER REGULATIONS?

14 MR. SHARPE: THERE ARE
15 ALREADY IN SOME FEDERAL REGULATIONS
16 REQUIREMENTS THAT A TEST PLAN BE SUBMITTED,
17 AND WE'VE HAD A PROBLEM WITH SOME OF THOSE UP
18 TO NOW WHERE THEY ARE DRASTICALLY
19 INSUFFICIENT, WE'VE HAD SOME PEOPLE EVEN
20 SUBMIT A ONE-PAGE TEST PLAN TO US. WHEN WE
21 STARTED TALKING ABOUT OUR NEED AND DESIRE TO
22 HAVE THE REQUIREMENT FOR A TEST PLAN AND
23 REGULATION, WE THOUGHT THAT WE NEEDED TO SAY
24 WHAT THE MINIMUM COMPONENTS OF THAT PLAN
25 NEEDED TO BE, AND WE HAVE BEEN SOMEWHAT

1 PRESCRIPTIVE IN DESCRIBING THE INFORMATION
2 THERE.

3 NOW, WE RECOGNIZE THAT THERE
4 ARE ALREADY SOME FEDERAL TEST PLANS -- EXCUSE
5 ME, SOME FEDERAL TEST METHODS THAT ARE IN
6 PLACE AND WE DON'T WANT TO RECREATE THAT, BUT
7 SOMETIMES THERE'S PUBLISHED TEST METHODS THAT
8 DON'T INCLUDE ALL OF THE INFORMATION THAT WE
9 NEED TO REVIEW. SOMETIMES THERE ARE NOT TEST
10 METHODS AVAILABLE, SO WE ALSO RECOGNIZE THAT
11 NOT ALL OF THIS INFORMATION IS NEEDED FOR
12 EVERY KIND OF TEST THAT'S DONE. FOR EXAMPLE,
13 THE TEST OF PARTICULAR EMISSIONS FROM A POWER
14 BOILER IS A FAIRLY SIMPLE, STANDARD TEST AND
15 WILL BE A MUCH BRIEFER TEST PLAN THAN A TEST
16 FOR SOME OF THE ORGANIC COMPOUNDS THAT WE'VE
17 TALKED ABOUT WITH STANDARD DATA WITH THE
18 HAZARDOUS ORGANIC NESHA COMPOUNDS THAT ARE
19 LISTED IN THE AIR ACT.

20 MR. GRANDY: IS THERE
21 ENOUGH LATITUDE IN THE USE OF THAT WHERE YOU
22 DON'T NEED TO USE ALL OF IT, YOU DON'T HAVE
23 TO, BECAUSE WHAT I'M CONCERNED ABOUT IF YOU'VE
24 GOT A FEDERAL AND STATE REGULATION HERE THAT
25 REQUIRES EVERYTHING TO BE DONE, DOES THAT MEAN

1 WE'RE GOING TO GET CAUGHT UP IN A BUREAUCRACY
2 DOWN THE ROAD THAT SAYS YOU'VE GOT TO DO ALL
3 THIS WHETHER IT'S NEEDED OR NOT?

4 MR. SHARPE: WE SURE DON'T
5 WANT THAT. WE WANT TO BE REASONABLE ABOUT IT,
6 WE WANT THE INFORMATION THAT'S NECESSARY TO
7 REVIEW A TEST PLAN AND ESTABLISH THAT IT'S
8 GOING TO BE A GOOD, VALID WAY TO TEST THESE
9 EMISSIONS IN QUESTION, BUT WE DON'T WANT TO
10 GET A HANG UP ON NITPICKING, BECAUSE THINGS
11 THAT CLEARLY DON'T APPLY WERE NOT THERE, AND
12 WE TRIED TO ADDRESS THAT BY INCLUDING SOME
13 LANGUAGE THROUGHOUT THAT SAYS INCLUDE THIS
14 WHERE IT'S APPLICABLE.

15 DR. HULL: WHAT WOULD BE
16 YOUR OBJECTION TO PUTTING THIS IN GUIDELINES
17 RATHER THAN REGULATIONS?

18 MR. SHARPE: ONE OF THE
19 THINGS WE'VE ATTEMPTED TO DO OVER THE LAST
20 SEVERAL YEARS IS MOVE AWAY FROM GUIDANCE, TO
21 PUT THINGS INTO THE REGULATIONS. ONE OF THE
22 COMMENTS FROM THE CHAMBER OF COMMERCE IN THEIR
23 INITIAL WHITE PAPER TWO YEARS AGO ADDRESSING
24 THIS VERY ISSUE AND SUGGESTED THAT WE USE
25 PROTOCOLS BY THE DEPARTMENT, AND SOURCE

1 TESTING WOULD BE A PREFERABLE WAY TO REVIEW
2 THE TESTS THAT ARE BEING DONE RATHER THAN OUR
3 ATTEMPTING TO BE PRESENT ON SITE AT EVERY
4 TEST, THAT WOULD GIVE THEM MORE FLEXIBILITY IN
5 SCHEDULING, IT WOULD GIVE THEM A SET OF
6 CRITERIA TO INCLUDE IN THAT PROTOCOL. SO
7 WE'VE ATTEMPTED TO INCLUDE IT INSTEAD OF USING
8 GUIDANCE FOR THOSE REASONS.

9 MR. BURRISS: MS.
10 MOSTELLER.

11 MS. MOSTELLER: THIS IS
12 CHANGING, BUT LAST MONTH WHEN WE DEALT THE
13 HOSPITAL REGULATIONS, WE NOT -- WE PUT INTO
14 GUIDANCE THE EMERGENCY RESPONSE STEPS, WE
15 DIDN'T -- BECAUSE I ASKED THAT VERY QUESTION,
16 WHY WEREN'T THEY IN THE GUIDELINES -- I MEAN
17 WHY WEREN'T THEY IN REGS, AND THE RESPONSE TO
18 ME WAS WELL, THAT'S MORE APPROPRIATE FOR A
19 GUIDELINE. THAT SEEMS TO ME THAT'S NOT
20 CONSISTENT WITH THE DIRECTION YOU'RE TALKING
21 ABOUT HERE, BUT I WANT TO ALSO SEE IF THE
22 ISSUES THAT WERE RAISED BY DEBORAH MCELVEEN,
23 DO YOU FEEL LIKE THOSE HAVE BEEN RESOLVED WITH
24 SOUTH CAROLINA MANUFACTURING,
25 MANUFACTURER'S -- I MEAN ASSUME THAT THEY HAVE

1 BECAUSE I'M NOT HEARING FROM HER, BUT I JUST
2 WANT TO KNOW IF YOU FELT LIKE THOSE ISSUES
3 FROM OUR SIDE WERE -- I KNOW SHE'S IN THE
4 ROOM.

5 MR. SHARPE: ONE OF THE
6 MAJOR CONCERNS THAT WAS RAISED, I BELIEVE, WAS
7 THE WAY THE REGULATION WAS WORDED, IT WOULD
8 HAVE NOT ALLOWED US TO SET ANY DATA FROM A
9 TEST THAT WAS CONDUCTED WITHOUT A TEST PLAN
10 HAVING BEEN SUBMITTED. THERE WAS A CONCERN
11 THAT THIS MIGHT IMPEDE THE PROCESS WHERE DATA
12 WERE DEVELOPED FROM IN-HOUSE TESTING OR FROM
13 TESTS THAT WERE CONDUCTED AT FACILITIES OUT OF
14 STATE OR THAT WERE PUT TOGETHER BY AN INDUSTRY
15 GROUP. WE HAVE IN THE ADDENDUM THAT WAS
16 PRESENTED TO YOU THIS MORNING ADDED SECTION
17 TWO TO THE APPLICABILITY, AND WE FEEL THAT
18 THAT ADDRESSES THAT AND GIVES US THE
19 FLEXIBILITY TO ACCEPT DATA IN CERTAIN
20 SITUATIONS WHERE PRIOR REVIEW OF THE PROTOCOL
21 IS NOT NECESSARILY APPROPRIATE.

22 MS. MOSTELLER: THANK YOU.

23 MR. BURRISS: ANY OTHER
24 QUESTIONS?

25 MR. GRANDY: I'LL TRY TO

1 GO BACK TO WHERE WE WENT WITH THIS OTHER ISSUE
2 AND MOVED ON TO GUIDELINES VERSUS REGULATION,
3 AND I GUESS WHAT I'M TRYING TO UNDERSTAND NOW,
4 WOULD WE EXPECT NOT TO SEE MORE GUIDELINES AND
5 MORE IN REGULATIONS OR WHAT, BECAUSE WE'RE
6 ABOUT TO GO OVER SOME GUIDELINES, AND NOW --
7 WHAT I'M TRYING TO UNDERSTAND IS
8 DIRECTIONALLY, WHERE ARE WE GOING?

9 COMMISSIONER BRYANT: IF I
10 COULD JUST ADDRESS THAT, IF YOU DON'T MIND,
11 MR. GRANDY. AS HAS BEEN SAID, WHEN WE SPENT
12 THE BETTER PART OF THE YEAR GOING THROUGH THE
13 REGULATORY REFORM PROCESS, ONE OF THE THINGS
14 THAT WE HEARD OVER AND OVER AGAIN IS JUST
15 SIMPLY TELL US WHAT YOU WANT US TO DO IN BLACK
16 AND WHITE AND THEN WE WILL KNOW, DON'T MAKE US
17 GUESS THIS TIME VERSUS NEXT TIME. SO WE HAVE
18 TAKEN ALMOST A YEAR TO WORK FOR THE GUIDANCE
19 AND NOW INCORPORATED THEM INTO REGULATIONS, SO
20 THAT IF X INDUSTRY WANTS TO COME AND GO
21 THROUGH WHATEVER PERMITTING PROCESS, THEY WILL
22 KNOW BY PULLING THE REGULATION AND THEN WHAT
23 THEY HAVE TO DO. SO THAT'S WHAT WE'VE TRIED
24 TO DO. THERE ARE STILL CERTAIN INSTANCES
25 WHERE GUIDANCE MAY BE MORE APPROPRIATE, AND I

1 CAN'T JUST PULL ONE OUT OF THE AIR FOR YOU
2 NOW, BUT WE HAVE BEEN ON A CONCERTED EFFORT
3 OVER THE PAST YEAR TO PUT EVERYTHING SO THAT
4 THE PUBLIC WOULD KNOW WHAT WE ARE DOING, AND
5 ALSO THE INDUSTRY WOULD KNOW WHAT WE WERE
6 DOING, SO THAT'S WHY IT PROBABLY LOOKS
7 SOMEWHAT PRESCRIPTIVE IS BECAUSE IT SAYS THERE
8 IN BLACK AND WHITE, WE WANT TO YOU DO THIS,
9 SO --

10 MR. GRANDY: BUT LET ME
11 ASK -- THAT COULD GO BOTH WAYS TO THE USE
12 OF -- IT MEANS THEY KNOW LIMITS OF WHAT'S
13 REQUIRED, WE CAN'T GO BEYOND THAT AND THEY
14 KNOW WHAT IS THE MAXIMUM.

15 MR. BURRISS: THAT'S
16 CORRECT.

17 MR. GRANDY: IT PUTS ON US
18 WHAT IS NOW A REGULATION, AND THEN THEY
19 HAVE -- WE CAN'T REQUEST MORE BEYOND THAT.

20 MR. BURRISS: MR. GRANDY,
21 I WOULD THINK IN GENERAL TERMS THAT'S EXACTLY
22 RIGHT. THERE MAY BE A SPECIFIC CASE WHERE A
23 PUBLIC HEALTH PROFESSIONAL AND AN ENGINEER SEE
24 SOMETHING THAT THEY FEEL UNCOMFORTABLE, AND IN
25 THAT SPECIFIC CASE I CERTAINLY WANT TO LEAVE

1 IT OPEN TO THEIR PROFESSIONAL JUDGMENT AND SAY
2 THIS IS GOOD, BUT FOR THIS PARTICULAR INSTANCE
3 WE MIGHT NEED TO KNOW MORE, BUT I WOULD
4 CERTAINLY NOT THINK THAT WOULD BE THE GENERAL
5 RULE. ANY OTHER QUESTIONS?

6 MR. ROBERTS: I WOULD LIKE
7 TO COMMENT THAT THERE IS ALSO A LEGAL ISSUE
8 INVOLVED IN WHAT'S A GUIDELINE AND WHAT'S A
9 REGULATION, AND TO MAKE A FAIRLY LONG STORY
10 SHORT, THE ^{APA}~~FDA~~ DEFINES A REGULATION AS AN
11 AGENCY STATEMENT OF GENERAL PUBLIC
12 APPLICABILITY THAT IMPLEMENTS OR PRESCRIBES
13 LAW OR POLICY, PRACTICE REQUIREMENTS OF AN
14 AGENCY, AND IT DOES NOT INCLUDE STATEMENTS
15 THAT -- OR POLICIES THAT APPLY ONLY TO AGENCY
16 PERSONNEL. SO WHEN WE HAVE A REQUIREMENT THAT
17 WE EXPECT EVERYONE IN A CERTAIN CLASS TO
18 COMPLY WITH, THAT REALLY PROBABLY SHOULD BE IN
19 A REGULATION AND THAT IS IN THE GUIDELINE. WE
20 ARE SUBJECT TO A LEGAL ATTACK ON SOMETHING
21 THAT OUGHT TO BE A REGULATION AND IS NOT.

22 MR. BURRISS: ANY OTHER
23 QUESTIONS?

24 MR. GRANDY: I MOVE FOR
25 SUBMISSION OF THE REGULATION FOR REVIEW TO THE

1 STATE DEPARTMENT.

2 MR. BURRISS: WE HAVE A
3 MOTION. ANY DISCUSSION?

4 MR. KENT: IN THAT, ARE WE
5 ALSO GETTING THE REPORTING COMING OUT OF THIS
6 AS WE HAD ASKED LOUIS FOR AS PART OF THIS?

7 MR. BURRISS: YES. I
8 THINK WE CAN JUST DO THAT SEPARATE FROM THE
9 HEARING, BUT WE'LL AGREE -- I THINK HE'S
10 AGREED TO DO THAT. ANY OTHER DISCUSSION? ALL
11 IN FAVOR, AYE.

12 THE BOARD: AYE.

13 MR. BURRISS: OPPOSING NO?
14 THE AYE'S HAVE IT. THANK YOU.

15
16 (MEETING CONCLUDED AT 12:17 P.M.)

17 - - -
18
19
20
21
22
23
24
25

1
2 I CERTIFY THAT THE FOREGOING IS A
3 TRUE AND CORRECT TRANSCRIPT FROM MY STENOTYPE
4 RECORD OF THE PROCEEDINGS IN THE ABOVE-ENTITLED
5 MATTER.

6
7 1/4/98

8 DATE

REBECCA L. DEFELICE

REBECCA L. DEFELICE

NOTARY PUBLIC

MY COMMISSION EXPIRES 5/29/07

ATTACHMENT 8

Erratum: Document No. 2244
Published in the *State Register*
July 24, 1998



2600 Bull Street
Columbia, SC 29201-1708

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Lynn P. Bartlett, Editor
Legislative Council
P.O. Box 11489
Columbia, SC 29211

July 10, 1998

Re: Notices for Publication in the July 24, 1998, State Register

Dear Lynn:

Enclosed are diskettes and paper copies of notices for publication in July, as follows:

1. Notice of General Public Interest: Air Public Notice #98-092-GP-N
2. Notice of General Public Interest: Air Public Notice #98-093-GP-N
3. Erratum: Document No. 2244, published June 26, 1998 (Air Quality) *Bartlett*
4. Erratum: Document No. 2245, published June 26, 1998 (Air Quality)
5. Notice of Drafting: Proposed amendment of R.61-62, Air Pollution Control Regulations and Standards (re: Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources - General Assembly review is not required)
6. Notice of Proposed Regulation: Proposed amendment of R.61-63, Radioactive Materials (General Assembly review is not required)

Please let me know if there is any additional information you require. Thanks.

Sincerely yours,

Peggy Epting, Mgr.
EQC Regulation Development

cc: Mike Rowe
Carl Roberts
Sam Finklea
Renee Shealy
Barbara Lewis
Dennis Camit
Melinda Bradshaw
Donna Moye

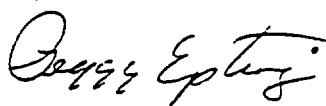
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LEGISLATIVE COUNCIL

DOCUMENT TRANSMITTAL FORM

This form must be completed and submitted with each document filed with the Legislative Council

1. Agency Name: S.C. DHEC	2. Chapter Number: 61	3. Date of Filing:
4. Regulation Number:	5. Subject of Regulation:	
6. Statutory Authority:		
<p>7. Type of Filing:</p> <p><input checked="" type="checkbox"/> NOTICE OF GENERAL PUBLIC INTEREST - Erratum - State Register Document No. 2244</p> <p><input type="checkbox"/> NOTICE OF DRAFTING Including: Heading; statutory authority; drafting comment period; synopsis</p> <p><input type="checkbox"/> NOTICE OF PROPOSED REGULATION Including: Heading; statutory authority; title of regulation; preamble and section-by-section discussion; notice of SIF; notice of opportunity for public comment and hearing; if applicable, a fiscal impact statement; statement of need and reasonableness; if applicable, a summary of preliminary assessment report; and, text of the proposed regulation</p> <p><input type="checkbox"/> EMERGENCY REGULATION Including: Heading; statutory authority; statement of emergency situation requiring filing and emergency regulation; a statement of need and reasonableness; and, if applicable, a summary of final assessment report</p> <p><input type="checkbox"/> FINAL REGULATION FOR GENERAL ASSEMBLY REVIEW Including: Heading; statutory authority; title of regulation; synopsis; instructions to the Code publishers; text of regulation; a fiscal impact statement; statement of need and reasonableness; if applicable, a summary of final assessment report and final assessment report; if applicable, a presiding official's report; and, two letters of request for review</p> <p><input type="checkbox"/> RESUBMISSION OF WITHDRAWN REGULATION FOR GENERAL ASSEMBLY REVIEW Including: Two letters of request for review; if applicable, a revised synopsis; and, the revised text</p> <p><input type="checkbox"/> FINAL REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW Including: Heading; statutory authority; title of regulation; synopsis; instructions to the Code publishers; and, text of the regulation</p>		
8. For additional information contact: Peggy Epting or Renee Shealy/Barbara Lewis		9. Telephone number: 734-3584
10. Typed Name of Official: Peggy Epting, Mgr, EQC Regulation Development, APA Process	11. Signature of Official: 	12. Date:
SOUTH CAROLINA STATE REGISTER USE ONLY		
<p>13. For publication in SR Volume ____ Issue ____</p> <p>Document Number: _____</p> <p>Date of Conversion: _____</p> <p>Verification: _____</p>	<p>OFFICIAL FILING STAMP</p> <p>FILED</p> <p>JUL 10 1998</p> <p>LEGISLATIVE COUNCIL</p>	

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATUM

State Register Document No. 2244
published June 26, 1998

Amendment of R.61-62. Air Pollution Control Regulations and Standards, regarding source test requirements, was published as a final regulation as Document No. 2244 in State Register Vol. 22 Issue 6, Part II, on June 26, 1998. This errata is to correct a typographical error in Amendment No. 7 of the text of the regulations. The instruction at Amendment No. 7 (on page 80 of State Register Vol. 2) was to "Replace R.61-62.5, Standard 3, Section IX, to read: "SECTION X - [RESERVED]". Section X should have been written as Section IX. The "Discussion of Revisions" Section under the Synopsis in Document No. 2244 (page 72 of State Register Part II) explained that the existing text of Section IX was revised and moved to the new source test regulation, 61-62.1, Section IV, Source Tests, and that Section IX was to be reserved for future use.

Amendment No. 7 is corrected to read as follows:

7. Replace R.61-62.5, Standard No. 3, Section IX, to read:

SECTION IX - [RESERVED]

ATTACHMENT 9

South Carolina's Legal Authority
EPA-Approved SIP

LEGAL AUTHORITY

No plan for attaining a goal, the attainment of which is dependent upon regulatory action, can be used with any degree of effectiveness unless the legal framework is strong. Consequently, the Requirements for Preparation, Adoption, and Submittal of Implementation Plans, 40 CFR 51, as amended, define the necessary statutory powers which must be immediately available to states to carry out the responsibility to the Clean Air Act.

40 CFR 51.230 sets forth six specific requirements for state authority. The South Carolina Pollution Control Act, Act 1157 of 1970, as amended, S. C. Code Sections 48-1-10 thru -350 (1976), provides the State's authority to respond to these requirements. The Attorney General of the State of South Carolina has given an opinion as to the adequacy of South Carolina laws, as follows:

Legal Authority Required 40 CFR 51	Adequacy of S. C. Law	S. C. Statutes Involved
(a) "Adopt emission standards and limitations and any other measures necessary for attainment and maintenance of national standards."	Adequate	S. C. Code Secs. 48-1-20, 48-1-50(23)
(b) "Enforce applicable laws, regulations, & standards, and seek injunctive relief."	Adequate	S. C. Code Sec. 48-1-50(1), (3), (4), (5), (11); Secs. 48-1-120, 48-1-130, 48-1-210, 48-1-320, 48-1-330.
(c) "Abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons, i.e., authority comparable to that available to the Administrator under section 305 of the Act."	Adequate	S. C. Code Sec. 48-1-290.
(d) "Prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which directly or indirectly results or may result in emissions of any air pollutant at any location which will prevent the attainment or maintenance of a national standard."	Adequate	S. C. Code Sec. 48-1-50(5), (10); Secs. 48-1-100, 48-1-110.
(e) "Obtain Information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations, and standards, Including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources."	Adequate	S. C. Code Sec. 48-1-50(10), (20), (22), (24).
(f) "Require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such stationary sources; also authority for the State to make such data available to the public as reported and as correlated with any applicable emission standards or limitations."	Adequate	S. C. Code Secs. 48-1-50(22), 48-1-270.

Public Hearings

The South Carolina Pollution Control Act provides for notice and public hearings prior to action by the Board of Health and Environmental Control concerning adoption of regulations and standards, adoption or modification of final compliance dates, and other specified legal actions.

Additionally, Act 176 of 1977 enacted by the South Carolina General Assembly requires, among other things, that at least thirty days public notice be given before adoption, amendment or repeal of any rule. It also requires that the substance of the intended action or a description of the subjects and issues involved be made known. While this act escapes the actual requirement for a public hearing in each case, the two Acts taken together do impose the requirement of a thirty days notice of public hearing, assuring compliance with the requirements of 40 CFR 51.102 as amended.

Public Availability of Information

The South Carolina Pollution Control Act provides for the public availability of any records, report or information obtained under the provisions of the Act. However, upon a showing satisfactory to the Department that records, reports or information, other than effluent or emission data, if made public would divulge methods or processes entitled to protection as trade secrets of the source, the Department shall consider such data confidential.

All source data are kept on file at the offices of the Bureau of Air Quality Control, Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina, and are available to the public at this location, Monday through Friday, between the hours of 8:30 a.m. and 5:00 p.m. Such data are retained in the Permit, Source Test, and Emission Inventory Files.

The files contain information as to the source emissions, and these emissions are depicted in comparison to the applicable emission standards or limitations as stated in the Air Pollution Control Regulations and Standards for the State of South Carolina.